

DEPARTMENT OF THE ARMY  
3d Heavy Brigade Combat Team  
4<sup>th</sup> Infantry Division (Mechanized)  
FOB Warhorse, Iraq  
APO AE 09397

AFZC-FC-JA

27 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 06-3/4-468

1. Claimants name and address: [REDACTED] Salah Dein, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 Dec 05, in Salah Dein, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$10,000, on 25 Mar 06.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for death of son.
5. Facts: CF shot and killed his son.
6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Claim seems to be combat related.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$10,000 is denied.

[REDACTED]  
CPT, JA  
Foreign Claims Commission

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**DEPARTMENT OF THE ARMY**  
Headquarters, 1st Battalion, 8th Infantry Regiment,  
3d Brigade Combat Team, 4th Infantry Division (Mechanized)  
FOB Paliwoda, Balad, Iraq APO AE 09391

AFZC-FC-H-S1

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 6058-008

1. Claimants name and address: [REDACTED], Al-Duluyehai, Salah Dein, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 Dec 05 in Salahdein-Al Duluyehai, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$10,000.00 on 6 Mar 06.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-10; claim filed for property damage.
5. Facts: Claimants alleges that CF shot and killed his son.
6. Opinion: After conducting investigation into the fact of this case, TF 1-15 was in the area of the residence. The TF was attacked by SAF in that area. The patrol returned fire killing three AIF and arresting two other AIF.
7. Recommended Action: I recommend that the claims be denied for the above mentioned reason.
8. Point of contact for this memorandum is below at DVNT 318-584-1313 or [REDACTED]@us.army.mil.

[REDACTED]  
SSG, USA  
Battalion Paralegal

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Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [Redacted]

Address: Salah Deir - Al-Dulayehai

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Al-Dulayehai
- c. Employed by:
- d. Check one ( ) An insurer ( ) Not an insurer
- e. Check one ( ) A subrogee ( ) Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

US Army

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at Al-Dulayehai Salah Deir Iraq (Town) (City) (Country)

My claim arose on [Redacted] Dec 24 2005 (Month) (Day) (Year)

Give brief statement of the accident or incident on which the claim for damages to property or injury is based. (Use back of this sheet if necessary.)

In the date mention above my son went to the house beside us to visit him, at that time we heard big voice because we live near the main road and we recognized it. It was the tank American Forces cars, after that we heard a loud voice shouting in the house beside ours, so we went there and we found our son ( [Redacted] )

[Redacted] was killed with our neighbor son in their house. Later on we know that the American Patrol ... some of them

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Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

big damage

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item	Amount
as shown in the legal expert report	10,000 \$

Total: 10,000 \$

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name)

(Address)

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 10,000 local

(Signature of Claimant)

Subscribed before me this 5 day of Jan, 2006.

His mother / [redacted] / His wife [redacted]

(Print Name)

[redacted signature]

(Signature)

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