



DEPARTMENT OF THE ARMY  
OFFICE OF THE COMMAND JUDGE ADVOCATE  
116<sup>th</sup> BRIGADE COMBAT TEAM, 42<sup>nd</sup> INFANTRY DIVISION  
KIRKUK, IRAQ, APO AE 09368

REPLY TO  
ATTENTION OF

30 July 2005

Foreign Claims Commission

[REDACTED] FY05-I9B-1087

Hawija, Iraq

8 Jul 05  
[REDACTED]

Mr. [REDACTED]

I have considered your claim under the Foreign Claims Act, Title 10 United States Code Section 2734 as implemented by Army Regulation 27-20, Chapter 10.

Your claim is denied. The Foreign Claims Act does not authorize payment of claims related to combat activities, nor of claims where US negligence cannot be established. Your claim states that your wife was shot and killed after a peaceful demonstration turned into a firefight between Coalition Forces and Anti-Iraqi Forces. The U.S. cannot pay your claim due to the lack of evidence indicating Coalition Forces were involved in a firefight that date and because your wife's death is incident to combat. I am sorry for your loss, and I wish you well in a Free Iraq.

Army Regulation 27-20 provides you the right to appeal this action. Deliver your appeal and any additional evidence to the Government Building FCC office within thirty (30) days of receipt of this notice.

Sincerely,

[REDACTED]  
CPT, U.S. Army  
Foreign Claims Commissioner

000273

**CLAIM FOR DAMAGE .OR  
INJURY DEATH**

**INSTRUCTION:** Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s)

person  
From  
approve  
MBC

**AMER**

**SITE OF THE ACCIDENT**  
In Haweja town inside the house

**2-.Name of claimants & Address**  
[REDACTED]  
**HAWEJA KIRKUK**

1087

<b>GENDER</b> MALE	<b>4.DATE OF BIRTH</b> 1968	<b>5.MARITAL STATUS.</b> MARRIED	<b>6.DATE &amp; DAY OF ACCIDENT</b> 07-04-04	<b>TIME:</b> 1P.M.
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**The claim:**  
On the mentioned date a peaceful march was in Haweja ,then the march turned into a firefight between the CF and some of the terrorist who were hiding among the demonstrated people ,claimant's wife was in the house when she was killed with a stray bullet shot by the CF ,he is certain it was American bullet because she was killed when every thing was quite after the shooting and only the American soldier were dominating on the situation and every one on the street was vanished.  
The victims name is ([REDACTED])

**Property damage**

**INJURY**

Wrongfully killing

**WITNESSES**

<b>NAME</b>	<b>ADDRESS</b>
[REDACTED]	Both eye witnesses his neighbor in Haweja

**Amount of claim (IN Dollars)**

<b>12A PROPERTY</b>	<b>12b PERSONAL INJURY</b>	<b>12c WRONGFUL DEATH</b>	<b>12A</b>
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**I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM**

<b>13a SIGNATURE OF CLAIMANT</b> [REDACTED]	<b>13b.Phone number of signatory</b>	<b>14c.Date of claim</b> 7/20/2005
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000274

**CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM**

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS**