

6-176-037
27 Jun 06



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

MEMORANDUM FOR Record

SUBJECT: Claimant Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

a. There is not enough evidence to prove your claim.

b. The evidence shows that United States Forces did not cause the damage.

c. The evidence shows that the damage was caused during combat.


d. The evidence shows that the damage was caused by your own negligence or wrongdoing.

e. The evidence shows that your claim was fraudulent.

f. Other: _____

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.


CPT, JA
Chief of Claims

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AFZB-JA-C

21 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 6-IT6-037

- 1. Identifying Data:** [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 February 2006 in Balad, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 20 June 2006.
- 4. Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.
- 5. Facts:** The Claimant alleges her husband, an IP officer, was killed by a CF sniper near a checkpoint near FOB Pailwoda. A SIGACTS investigation revealed that there was an Iraqi police officer killed in the area when a group of AIF attacked a IA checkpoint. The attack lasted approdimatley 45 minutes resulting in 1 IA KIA. A/1-8 IN responded to the attack but could not establish contact with the AIF.
- 6. Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." Here, the claimant's damage was caused by AIF, not CF.
- 7. Recommendation:** The claim is denied

[REDACTED]
CPT, JA
Claims Judge Advocate

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TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: _____

POA/ATT: _____

Power of Attorney provided and interpreter approved: _____

Decedents: _____

Hometown: Balad Iraqi Resident:

My claim arose at: Balad
(Town) (City) (Country)

My claim arose on: 11 Feb. 06
Month Day Year

Proof of Ownership: N/A

VIN Match: _____

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): COD - Frag in head Original Seen

Dated 11 Feb 2006. (8:00 AM)

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: See below.

Interpreter Approved: _____

Witness Statement (Consistent?): ① Father - CF shot my son when he was traveling home from work at IP.

Interpreter Approved: ② mother - same story.

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.) ~ 2:30 PM

Decedent is IP. When Decedent returned from work, a CF sniper allegedly killed him. CF & IP took to hospital. Decedent was in car when shot. Was traveling ~ 250 m near checkpoint, 1 km away from FOB Paluwoda.

Evidence: - Medical Report - decedent died of GSW to head & severe blood loss.

- IP Report - Found empty shell casing @ scene.

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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


WRONGFUL Death

Total: 2,500

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

\$ 2,500

local _____


(Signature of Claimant)

Subscribed before me this 20 day of June, 2006

CPT
(Print Name)


(Signature)

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