

6-176-056  
11 Jul 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 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[Redacted Signature]  
CPT, JA  
FCC

000421



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

5 July 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 6-IT6-056

1. **Identifying Data:** [REDACTED] Samarra, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 29 March 2006, in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2500.00 on 27 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 filed in a timely manner.
5. **Facts:** Claimant alleges CF shot his wife while they were approaching the Samarra General Hospital in their car. The claimant provided death certificates and witness statements to substantiate the claim.
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. A search of the SIGACTS and INTSUM for 29 March 2006 reveals no such activity occurring on said date. There is not enough evidence to prove the claim. This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]  
CPT, JA  
FCC

000422



old. wrong date

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

2 July 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 6-IT6-056

1. **Identifying Data:** [REDACTED] Samarra, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on <sup>29</sup>09 March 2006, in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2500.00 on 9 March 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 filed in a timely manner.
5. **Facts:** Claimant alleges CF shot his wife while they were approaching the Samarra General Hospital in their car. The claimant provided death certificates and witness statements to substantiate the claim.
6. **Opinion:** A SIGACTS investigation revealed no activity similar to the Claimant's description of events. A SIGACT on the same date was found describing an IED detonation on IP in what is believed to be the same area of Samarra the claimant claims his wife was shot. However, the said IED detonation was 5 hours prior to the time the claimant claims his wife was shot. Nevertheless, the evidence shows that the damage was caused during combat. Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied. [REDACTED]

CPT, JA  
FCC

000423



# TF Band of Brothers Claims Intake Form



To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

POA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved: \_\_\_\_\_

Decedents: ✓

Hometown: Samarra  Iraqi Resident: Affirmative

My claim arose at: \_\_\_\_\_  
(Town) Samarra (City) (near by Samarra Hospital) (Country)

My claim arose on: March 29th 2006  
Month Day Year

Proof of Ownership: \_\_\_\_\_

VIN Match: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations) [REDACTED], shot fire to the head and chest. 40 years old, 1500 PM.

Interpreter Approved: approved.

Medical Report/Legal Expert Opinion: \$2500

Interpreter Approved: ✓

Witness Statement (Consistent?): \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

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.)

In 9/3/2006 the claimant was drive his sedan car, attended the Samarra general hospital because his wife was with him inside ~~the car~~ she was with ~~preg~~ labor pain. The claimant was hurried to get her left to the hospital as soon as he could. It was the road leads to the hospital blockage recently blockage by CF when the claimant turned his car in to that road that she ~~was~~ deemed it is open and nothing wrong with it. He just turned his car, some of American Army snipers opened fire to ward them and their car, due to that shot of fire from the snipers the claimant's wife was died according to my statement and my witnesses' statements.

Evidence: \_\_\_\_\_

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.)

<u>Item</u>	<u>Amount</u>

Total: \$2500

I claim as damages: (Indicate amount in U.S. dollars and local currency)  
\$ 2500 local \_\_\_\_\_

\_\_\_\_\_  
(Signature of Claimant)

Subscribed before me this 27 day of June, 2006

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)