

REDACTED

witness statement

This is to assure that the individual [REDACTED] was killed by CF on the Highway of Kirkuk - Baghdad and his car was flipped down and damaged partly, although he was driving on his side.

~~2635,000~~
~~725,000~~

3,360

eyewitness

[REDACTED]

000430

DEPARTMENT OF THE ARMY
TORT AND SPECIAL CLAIMS APPLICATION
CLAIM SUMMARY SHEET

06IO6T250- [REDACTED]

Claimant's Assertion

Son driving to Kirkuk when CF opened fire, killing son & damaging car

Claimant Information

Claimant Name: [REDACTED]
Claimant SSN: [REDACTED]
Claimant DOB: [REDACTED]
Insured or Deceased: Son
Deceased SSN: [REDACTED]
Deceased DOB: [REDACTED]
Claimant Phone: [REDACTED]
Claimant Address: [REDACTED]
Claimant Representation:
Pro Se
Claimed Amount: \$4,800.00
Property Damage: \$2,300.00
Personal Injury: \$0.00
Wrongful Death: \$2,500.00

Claim Information

ClaimID: 06IO6T250
Companion(s):
Incident Location: Kirkuk, Iraq on 01-Oct-05
Incident Date: 01-Oct-05
Date Filed: 24-Jan-06
Filing Office: IO6-FCC IO6 1BCT 101 ABN DIV (AASLT) (Iraq)
Current Office: HOZ-USARCS Claim Retirement Processing [REDACTED]
Chapters:
Chapter 10 - Foreign Claims Act
Damage Code:
UNKNOWN
Basis Code: UNKNOWN
Incident Source: OTHER

Army Team

Field Office Investigator: SGT [REDACTED]
Field Office Attorney: MAJ [REDACTED]
USARCS Area Action Officer:
USARCS Investigator:
USARCS Paralegal:

Final Disposition

Action	Date	Amount
Claim Denied	06-Mar-06	\$0.00

Uploaded Documents	Date	Who
Document		

Claim Retirement Information	Date	Box
Shipment Number		

000431



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101st AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

21 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] (06-106-T250)

1. **Identifying Data:** [REDACTED], Kirkuk
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 1 October 2005, near Atheem, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$4,800 on 24 January 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:** The Claimant alleges his son was driving from Baghdad to Kirkuk when a Coalition Forces convoy approached head-on and shot his vehicle. He states the round penetrated the vehicle and killed his son, and that the vehicle tipped during the incident. The Claimant provided a police report, photographs, proof of ownership of the vehicle, and a death certificate to substantiate the claim. A SIGACTS investigation revealed no activity similar to the Claimant's description of events.
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. In this instance there is not enough evidence to prove that Coalition Forces were responsible for the claim. This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
PCC

000432

From: [REDACTED] 101AA MAIN OSJA NCOIC ADMIN
[REDACTED]@DMAIN.D101.ARMY.SMIL.MIL]
Sent: Wednesday, May 17, 2006 7:28 PM
To: [REDACTED] SGT, 101 AA 1BCT Legal, Paralegal NCO
Subject: RE: [U] Claims

Categories: UNCLASSIFIED FOR OFFICIAL USE ONLY

I couldn't find anything reported about [REDACTED] claim, but the note that was given to him states an escalation of force, a combat activity. I don't think there's a need to contact the unit about this one. [REDACTED] If he wants to come file a claim here to possibly get a CERP payment that's fine. How was he supposed to know to get out of the vehicle when they fired warning shots? If I was in his place I would have stayed put too.

All the TF BoB SIGACTs from early October are missing from their database. I haven't been able to get individual SIGACT reports from CIDNE the past couple days, but a general search turned up a couple EOFs that could match Abdulkalik's claim. Again, combat denied.

Let me know if there's anything else I can do to help.

SGT Barten

From: [REDACTED] SGT, 101 AA 1BCT Legal, Paralegal NCO
[mailto:[REDACTED]@bct1.d101.army.smil.mil]
Sent: Sunday, May 14, 2006 10:48 AM
To: [REDACTED] SSG 101AA MAIN NCOIC CLIENT SERVICES
Cc: [REDACTED] T. SGT 101AA MAIN OSJA NCOIC ADMIN
Subject: [U] Claims

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Gentlemen,

I need your assistance on these two claims. Both occurred out of our AO. [REDACTED] claims that his son was shot by CF on 1 October 2005 near Hamrim Hills possibly close to the city of Adhaim.

[REDACTED] claims that his vehicle was shot by CF on 25 February 2006. He has two notes from CF which are attached. Thank you for your help.

V/R

[REDACTED]
Bastogne Legal
Claims NCO
VOIP 242-2624
DSN 444-3009

000433



DEPARTMENT OF THE ARMY
Office of the Command Judge Advocate
1st Brigade Combat Team, 101st Airborne Division (AASLT)
FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO
ATTENTION OF:

AFZB-KA-CJA

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IO6-0250

1. Claimants name and address: [REDACTED] Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 1 October 2005, at Tuz, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$4,800 on 24 January 2006.
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 the death of claimant's son.
5. Facts:
 - a. [REDACTED] claims that on 1 October 2005, Coalition Forces (CF) shot and killed his son.
 - b. No deaths or EOF were reported by Coalition Forces on 1 October 2005.
6. Opinion:
 - a. 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.

000434

AFZB-KA-CJA

SUBJECT: Claim of, [REDACTED] 06-IO6-0250

b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. In addition, duplicate requests for payment under the Foreign Claims Act are not allowed. Any appeal must be submitted within 30 days. Not able to find any information of this incident.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$4,800 is denied.

[REDACTED]

CPT, JA
Foreign Claims Commissioner

**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

YAHYA	SITE OF THE ACCIDENT Baghdad_ kirkuk highway 50km away from tuz toward baghdad	2-.Name of claimants & Address [REDACTED] Kirkuk- al wasti district			FY06-0250
GENDER Male	4.DATE OF BIRTH 1947	5.MARITAL STATUS. Married	6.DATE & DAY OF ACCIDENT 1-10-2005 1 Oct 05	TIME: 1530 hrs.	

The claim
According to the claimant ,his son was driving toward kirkuk coming from Baghdad and just before reaching Hemreen hills there was a convoy of CF were patrolling at that road when the claimant became face to face with the convoy one of the hummers ,the claimant is not sure about it either the first or the third start shooting on the victim's car ,a bullet penetrated the forehead of the car and setteled down in his body causing sever injuries in his abdomen which later caused his death .he mentioned also that the car was flipped down after shooting the victim.
The victim was newly married and his wife was pregnant and now she born an orphan girl.

Property damage

The car was partly damaged as shown in the pics and described in the police report

INJURY

The driver was killed after shooting him in his abdomen

WITNESSES

NAME	ADDRESS
[REDACTED]	Al- etheem village

Amount of claim (IN Dollars)

12A PROPERTY 2,300.00	12b PERSONAL INJURY	12c WRONGFUL DEATH death \$2,500.00	12d \$4,800.00
---------------------------------	----------------------------	--	--------------------------

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

13a.SIGNATURE OF CLAIMANT [REDACTED]	13b.Phone number of signatory [REDACTED]	14c.Date of claim 24 jan 2006
--	--	---

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM	CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS
--	--

000436



DEPARTMENT OF THE ARMY
Office of the Command Judge Advocate
1st Brigade Combat Team, 101st Airborne Division (AASLT)
FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO
ATTENTION OF:

AFZB-KA-CJA

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IO6-0250

1. Claimants name and address: [REDACTED] Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 1 October 2005, at Tuz, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$4,800 on 24 January 2006.
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 the death of claimant's son.
5. Facts:
 - a. [REDACTED] claims that on 1 October 2005, Coalition Forces (CF) shot and killed his son.
 - b. No deaths or EOF were reported by Coalition Forces on 1 October 2005.
6. Opinion:
 - a. 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.

000437

AFZB-KA-CJA

SUBJECT: Claim of, [REDACTED] 06-IO6-0250

- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. In addition, duplicate requests for payment under the Foreign Claims Act are not allowed. Any appeal must be submitted within 30 days. Not able to find any information of this incident.
7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$4,800 is denied.

[REDACTED]
[REDACTED] N
CPT, JA
Foreign Claims Commissioner