

FOREIGN CLAIMS COMMISSION COVER SHEET

Claim Number: 2.0562

USARCS NUMBER: 1451-05

Date Received: 19-Sep-05

Name: [REDACTED]

Address: [REDACTED] The green Zone, Baghdad, Iraq

Claim Summary: Claimant's brother was shoot and killed by smallarms fire involving Coalition Forces

Date of Incident: 11-Jun-05

Amount Requested: \$30,000.00

Recommendation: Approval Denial
Investigation

*FWD T&DIV
Pay or NO?*

Date Reviewed by OIC:

Claim Is: Approved in the amount of \$_____.

Denied. Denial Code_____

On hold pending investigation findings.

000478



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

24 September 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [REDACTED], 1451-05

1. Facts. U.S. forces observed a black vehicle stop on the side of the highway and the passenger exit the vehicle. The passenger made eye contact with the U.S. patrol, picked up a long cylindrical object, and began to run. The vehicle also began to drive away. U.S. forces fired multiple warning shots before the vehicle stopped. When they approached the vehicle, soldiers discovered the driver (claimant's brother) had been mortally wounded.

Claimant has requested \$30,000.

2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. In this case, the damage was a result of combat activities and therefore is not compensable under the FCA.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

[REDACTED]
CW2, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

000479

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380

REPLY TO
ATTENTION OF:

AFZP-VB-JA

23 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]

1. **Claimant's name and address:** [REDACTED] Green Zone, Baghdad, Iraq.

2. **Date and place the incident occurred giving rise to the claim:** Incident occurred on 11 June 2005, at Canal Road, Baghdad, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim in the amount of \$30,000.00 on 19 September 2005.

4. **Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20;** claimant filed for death of claimant's brother by small arms.

5. **Facts:**

- a. On 11 June 2005, the claimant's brother was shot and killed by small arms fire.
- b. The death was caused by combat operations involving Coalition Forces.

6. **Opinion:**

a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.

- b. The death was caused as a result of combat operations.
- c. The claim is not meritorious.

7. **Recommended Action:** Disprove the claim.

[REDACTED]
[REDACTED]
CPI, JA
Single Member FCC

000480

Claims form
Us foreign commission

Claim# 2-060-5

Claimant name [REDACTED]
-address The Green Zone

Relation ship the victim's brother Sect [REDACTED] St [REDACTED] HI [REDACTED]
Age 46 Dob d/m/y 1, July, 1959

A citizen and national of Iraq
A permanent resident of Baghdad

Type claim (circle which applied)

- 1-Vehicle
- 2-Personal property
- 3-Real estate
- 4-Personal injury
- 5-Death

Have you filed a claim before (circle which applied) YES OR NO

Date incident occurred: /D/ 11th /M/ June /Y/ 2005
Place incident occurred: canal road

SITUATION An American patrol closed the canal road for security reasons. The victim was trying to repair his car. The soldiers suspected him and shot him dead.

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

Item	Amount
<u>We ask compensation</u>	

TOTAL AMOUNT: US DOLLAR 30,000.00 thirty thousand
IRAQI DINAR [REDACTED]

Today date: D/ 5th M/ Sept Y/ 2005 [REDACTED] V.S. B

Translator name [REDACTED]
Signature [REDACTED]

➤ O AT 1300 1-64 AR REPORTS OBSERVING 1 X LN EMPLACING AN UNKNOWN OBJECT ON THE SIDE OF RTE PLUTO AT CP 515, 38SMB 542847. THE CONVOY ATTEMPTED TO STOP THE VEHICLE AND USING ESCALATION OF FORCE FIRED WARNING SHOTS THEN ENGAGED THE VEHICLE. 1 X LN KIA. 1-64 AR SECURED THE SITE AND CONTACTED IPs FOR ASSISTANCE. PATROL DID NOT DISCOVER ANY AIF RELATED EQUIPMENT.

SUMMARY:
1 X LN KIA

CLOSED OUT.

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