



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND STAFF JUDGE ADVOCATE
1ST BRIGADE COMBAT TEAM, 101ST AIRBORNE DIVISION (AASLT)
KIRKUK, IRAQ APO AE 09335

IDCV-JA

26 January 2006

SUBJECT: Claim of [REDACTED] - FY06-IO6-0222

1. Claimant's name and address: [REDACTED] of Tuz, Iraq
Related claim: NA
2. Date and place the incident occurred giving rise to the claim: 3 November 2005, in Tuz, Iraq.
3. Amount of claim and the date it was filed: Claimant filed a claim in the amount \$28,438.00 on 24 January 2006.
4. Chapter(s) 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 compensation for the death of his brother and nephew and the destruction of their vehicle; this was the result of a collision with a Coalition Forces convoy.
5. Facts: Coalition Forces had a vehicular collision with the claimant's brother and nephew. The Unit involved paid compensation to the family in the sum of \$2500 per person from their Bulk Condolence Fund. The claimant subsequently submitted a claim for compensation for the deaths and the vehicles.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident must have occurred outside the United States, and have been caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members, of civilian employees, of the Armed Forces. See AR 27-20, para 10-3a.
 - b. The claim is not meritorious. The families have already been compensated for the deaths from the Unit's Bulk Fund. The claimant also does not have a POA from the widow to file on her behalf for compensation for the damage to the vehicle.
7. Action: Deny this claim. Army Regulation AR 27-20 provides you the right to appeal this action. While there is no format prescribed for the appeal letter, it, or supporting documents should set forth the factual or legal grounds upon which your appeal is based on. Deliver your appeal to the Kirkuk Government Building, FCC Office within thirty (30) days of your receipt of this notice.

[REDACTED]
[REDACTED]
MAJ, JA
Foreign Claims Commissioner

000546

FY06-0222

English Claims Forms

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

Address: _____

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Tuz
- c. Employed by: _____
- d. Check one () An insurer () Not an insurer
- e. Check one () A subrogee () Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at: Tuz (Town) Iraq (Country)

My claim arose on: Nov (Month) 3 (Day) 05 (Year)

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.)

Claimant is the brother of a man killed in an accident w/
c.f. wants to claim for the vehicle and for the death of
his brother and Nephew

brother was married w/ 4 children

Nephew was married w/ 4 children

Nephew's father came in as well, but one claim is being filed
for entire accident

Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

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>
Truck	\$12,000
brother	12,000,000 ID
Nephew	12,000,000 ID

\$ 16,438

The figures for the death compensation is based off of what the local mayor was purportedly paid for his son's death. Total: _____

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name) _____ (Address) _____

I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 28438 1/2 local _____



(Signature of Claimant)

Subscribed before me this _____ day of _____, 200__.

(Print Name)

(Signature)

CERP PYMT

645000

Date of Payment	Unit Reporting	Unit POC	Iraqi National Name	Type of Report (Death/Injury/Property Damage/Real Property/Other)	Date of Incident	Payment Amount	Comment
03-Nov-05	HHC, 2d Bn, 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Death	31-Oct-05	\$2,500.00	[REDACTED] was shot in shoulder and died at hospital by CF convoy after he failed to stop. Payment for death. Nephew Najeb will accept monies
03-Nov-05	HHC, 2d Bn, 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Property Damage	31 Oct 05	\$300.00	[REDACTED] was shot in shoulder and died at hospital by CF convoy after he failed to stop. Condolence Payment for damage to car. Nephew Najeb will accept monies
16-Nov-05	2-320th FA (Balls), 1st BCT, 101st Abn Div (AASLT) - FOB Bernstein	[REDACTED]	[REDACTED]	Death	03-Nov-05	\$5,000.00	\$2,500 to each family. An element of 2-320th was on combat patrol outside TUZ and was involved in an accident with the IN vehicle. Head-on collision with CF convoy. Note the two dead were in the front seat. Three passengers in back seat were also injured. Injured treated at TUZ hospital and then evacuated to Kirkuk for treatment.
09-Dec-05	HHC, 1st Bn, 327th Inf Regt, (FOB McHenry), 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Damage	14-Nov-05	\$2,200.00	Raid conducted at [REDACTED]'s residence, platoon's trucks drove over several irrigation pipes in the claimant's field.
09-Dec-05	HHC, 1st Bn, 327th Inf Regt, (FOB McHenry), 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Injuries/Damage	7-Dec-05	\$250.00	\$200 compensation for injuries to [REDACTED] and his daughters when wounded by shrapnel. \$50 compensation for damage to water tank by shrapnel
09-Dec-05	HHC, 1st Bn, 327th Inf Regt, (FOB McHenry), 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Damage	27-Nov-05	\$200.00	Damage to cabinet doors by raid conducted by A/1-327 Inf Regt.
17-Dec-05	HHC, 1st Bn, 327th Inf Regt, (FOB McHenry), 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Loss of money	22-Nov-05	\$2,500.00	Money seized at wedding - confiscated by CF, not returned to claimant
17 dec 05	HHC, 1st Bn, 327th Inf Regt, (FOB McHenry), 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Damage to Property	23-Nov-05	\$1,950.00	Raid - several items seized or broken
18-Dec-05	HHC, 1st Bn, 327th Inf Regt, (FOB McHenry), 1st BCT, 101st Abn Div (AASLT)	[REDACTED]	[REDACTED]	Damage to Property	27-Nov-05	\$150.00	Raid on residence - cabinet door broken