

**PUBLIC VOUCHER FOR PURCHASES AND  
 SERVICES OTHER THAN PERSONAL**

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION  
 TF Band of Brothers, 101 ABN DIV (AASLT)

DATE VOUCHER PREPARED  
 3 Apr 06

SCHEDULE NO.

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAID BY  
 DSSN: 8589  
 Adam Butler, MAJ  
 101st FMC  
 APO AE 09393

PAYEE'S  
 NAME  
 AND  
 ADDRESS

[REDACTED]  
 Tikrit, Iraq

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

TO

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUAN- TITY	UNIT PRICE		AMOUNT ( <sup>1</sup> )
				COST	PER	
		Property Loss				3,500.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL 3,500.00

PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	APPROVED FOR	EXCHANGE RATE	DIFFERENCES
	= \$ 3,500.00	= \$ 1.00	
	BY 2		Amount verified; correct for
	TITLE		(Signature or Initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

4/3/06  
 (Date)

[REDACTED] R  
 (Authorized Certifying Officer)

CPT/FCC  
 (Title)

ACCOUNTING CLASSIFICATION

2152020 22-0204 P436099.22-4200 VIRQ F9206 S99999

PAID BY	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
	CASH	DATE	PAYEE 3	[REDACTED]
	\$ 3,500.00			

<sup>1</sup> When stated in foreign currency, insert name of currency.  
<sup>2</sup> If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.  
<sup>3</sup> When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary," or "Treasurer," as the case may be.



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

18 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 06-IR8-408

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 13 February 2006 in Tikrit, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$15,000 on 13 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 properly filed in a timely manner.
5. **Facts:** The Claimant, and Iraqi Army Lieutenant, alleges that CF shot and killed his cousin, [REDACTED], while he was fishing on the Tigris river in the early morning hours of 13 February 2006. The deceased was allegedly in his fishing boat when a CF helicopter shown a spotlight on them. They held up the fish in the air and shouted in English "Fish! Fish!" to show that they meant no harm. A patrol of HUMVEEs arrived on the scene. The deceased bent over to turn the motor off of the boat, but CF shot him in the head as he bent down. CF transported the deceased to LSA Anaconda where he later died. CF did not secure the boat and it drifted away up the river, along with a cellular phone and a fishnet inside. A SIGACTS investigation confirmed the events as alleged by the claimant.
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."

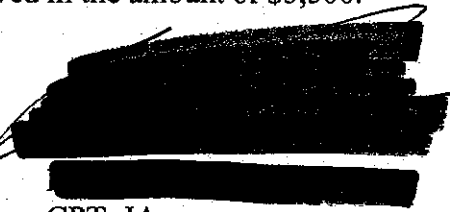
(1) Here, there is sufficient evidence of negligence attributable to CF with regard to the failure to secure the boat to the shoreline after the incident. As a result, the boat drifted away and was not recovered. The claimant has presented receipts for the boat, cell phone, engine a fishing net retrieval mechanism totaling \$5,600, however, the actual value of these items is less.

(2) With regard to the killing of [REDACTED], that portion of the claim is not compensable under the FCA. "Under AR 27-20, paragraph 10-3, Claims arising "directly or

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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." Here, the deceased was shot because he was reaching for the motor, but it appeared to the soldiers on the scene that he was reaching for a weapon. The alleged damage resulted from actions taken in self defense. This constitutes combat activity and as such is not compensable.

7. **Recommendation:** The claim is approved in the amount of \$3,500.



CPT, JA  
Claims Judge Advocate

**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: [Redacted]

Hometown: Bugi

Iraqi Resident:

My claim arose at:

13 Feb 06 (0530)  
(Town) (City) (Country)

My claim arose on:

awa / Tikrit  
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): original death cert. seen

date of death is 27 Feb 06

Interpreter Approved:

Medical Report/Legal Expert Opinion: has docs from LSAA

Interpreter Approved:

Witness Statement (Consistent?):

1 Fisherman - saw CF shoot out of helicopter & CF vehicles in Area.  
2

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.)

deceased is Fisherman. 3 people near the Tigris Driver of vehicle waiting in the car.

Helicopter shown tight on 3 person - show helicopter fish 9:00 pm.

CF Humvees then slowed down. CF shot him. (driver [Redacted])  
deceased sent to Anacarda

Evidence:

transferred by helicopter

BOAT WAS stolen  
have stolen  
evidence

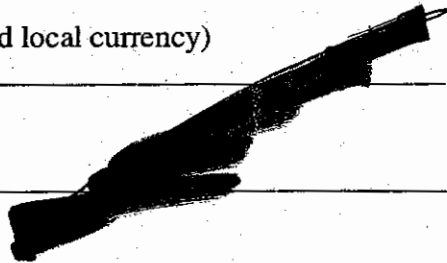
List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item	Amount
Wrongful death	\$2,500
Boat engine	-
Cell phone (log)	500
Fishing equipment	-
Total: \$15,000	

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

\$ 15,000 local \_\_\_\_\_

(Signature of Claimant)



Subscribed before me this 12 day of March, 2006.

