



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
~~3rd Infantry Division~~
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

09 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IA5-084a

1. Claimants name and address: [REDACTED], Baqubah, Iraq
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 March 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000.00 on 29 October 2005.
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; filed for damage to personal property.
5. Facts: U.S. forces tank hit claimant's vehicle causing damages and killing driver.
6. Opinion: 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 activity of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Based on the facts and investigations, the claimant's vehicle was hit by U.S. tank.
7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim is approved for \$6,000.00.

[REDACTED]
[REDACTED]
CPT JA
Claims Judge Advocate

000574

CLAIMS FORM

To: United States Army Foreign Claims Commission

From: Name: [Redacted]

Address: Beyulab

I am

- a. A citizen and national of: _____
- b. A permanent resident of: _____

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: _____

My claim arose at: Beyulab (Town) Beyulab (City) _____ (Country)

My claim arose on: March (Month) 24th (Day) 2005 (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's husband got into an accident with a U.S. Tank. Husband got killed and the car is destroyed.

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
- destroyed vehicle	
- death of husband	

Total: _____

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

\$ _____ local _____

[Redacted Signature]
(Signature of Claimant)

Subscribed before me this 24 day of Oct, 2005

[Redacted Name]
(Print Name)

[Redacted Signature]
(Signature)

000576