



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

4 April 2006

CP3AAS60940401-1
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED] (Claim Number 06-IR8-45)

1. On 28 April 2005, [REDACTED]'s daughter was shot and killed by CF when trying to clear traffic.
2. I certify that CERP funds are available to pay [REDACTED] in the amount of \$2500.00. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$2500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

[REDACTED]
[REDACTED]
[REDACTED]
CPT, EN
Project Purchasing Officer

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DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, FOB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

21 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 6-IR8-455

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 28 April 2005 in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 19 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:** On 28 April 2005 a CF Foot Patrol and HMMWV was trying to cross the road while the claimant's daughter was playing in the front yard of the family home. CF began shooting to clear the traffic and bullets ricocheted off of a wall and struck the 4 yr old little girl. A SIGACTS investigation revealed no activity meeting 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." There is insufficient credible evidence to substantiate this claim. The claim is too old to verify Claimant's allegations.
7. **Recommendation:** ~~Recommend this claim be paid in the amount of \$2,500.~~

Denied

[REDACTED]
CPT, JA
Claims Judge Advocate

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TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: N/A

Power of Attorney provided and interpreter approved: N/A

Decedents: [REDACTED]

Hometown: Samarra Iraqi Resident:

My claim arose at: Samarra
(Town) (City) (Country)

My claim arose on: April 28, 2005
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 seen. COD bullets in head.

Interpreter Approved:

Medical Report/Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?): ① Neighbor - Decedent playing. Traffic jam. CF killed daughter.

Interpreter Approved: ② SAME STORY.

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.)

CF Foot patrol & Humvee trying to cross the road
(occurred @ medicine factory. far from River.)

C's daughter was playing in front of home. CF shot her.

Traffic jam - CF fired to clear the road.

Daughter was 4 yrs. old.
→ bullets ricocheted from wall

Evidence:

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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>
Wrongful death	2,500

Total: 2,500

I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 2,500 local _____

(Signature of Claimant)

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



(Signature)

MAR 19 2006

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