



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

MEMORANDUM FOR Record

SUBJECT: Claimant Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

- a. There is not enough evidence to prove your claim.
- b. The evidence shows that United States Forces did not cause the damage.
- c. The evidence shows that the damage was caused during combat.
- d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
- e. The evidence shows that your claim was fraudulent.
- f. Other: _____

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[Redacted Signature]

CPT, JA
Chief of Claims

000596



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

AFZP-VA-HQ

1 April 2006

CP3AAS60940401-4
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
(Claim Number 06-IR8-383-1)
348

1. On 11 December 2005, [REDACTED]'s husband, [REDACTED], was killed by U.S. Forces as he was on the highway near COB Speicher and a U.S. Forces convoy came up from behind him and began shooting at his vehicle. The convoy then stopped and took the deceased to the hospital at COB Speicher.
2. I certify that CERP funds are available to pay [REDACTED] in the amount of \$2,500.00. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$2,500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

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

000597



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

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 06-IR8-348

- 1. Identifying Data:** [REDACTED] by Attorney [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 December 2005 in Tikrit, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 4 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 alleges CF killed her husband, [REDACTED] while he was a passenger in a vehicle which was allegedly shot by CF. The deceased's vehicle was on the highway near COB Speicher when a CF convoy allegedly came from behind and started to shoot at the vehicle. The convoy then allegedly stopped and took the deceased to the hospital. A SIGACTS investigation revealed that a small arms attack was initiated against a CLP about 4 km southwest of Tikrit. Two rounds were fired at the convoy resulting in one TCN WIA. The individual was taken to the CSH at COB Speicher for treatment.
- 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." Here, the claimant's husband was killed by AIF.
- 7. Recommendation:** The claim is denied.

[REDACTED]
[REDACTED] R
CPT, JA
Claims Judge Advocate

000598

TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: _____

POA/ATT: _____

Power of Attorney provided and interpreter approved: yes

Decedents: _____

Hometown: _____

Iraqi Resident: _____

My claim arose at: _____

(Town)

(City) Tikrit

(Country)

My claim arose on: _____

Month Dec

Day 11

Year 2003

Proof of Ownership: _____

VIN Match: _____

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): G S W (head and back) Speicher (CSH) 11 Dec 03

Interpreter Approved: yes

Medical Report/Legal Expert Opinion: N/A

Interpreter Approved: _____

Witness Statement (Consistent?): _____

W1 (Driver) He was driving the car between two convoys when the first convoy start shooting at the car and the two passengers got killed.

Interpreter Approved: yes

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.)

The claimant alleges her husband was a passenger in a vehicle ~~driving~~ driving on the highway near to CBB Speicher when CF convoy came behind ~~to~~ them and there is another convoy in front of them and this convoy start shooting at them and the two passengers ~~got~~ were killed and then the convoy stopped and took them to the hospital.

Evidence: witness, Death certificate

000599

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

Total: \$2500

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

N/A

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

(Name)


N/A

(Address)

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


\$ 2500

local


(Signature of Claimant)

Subscribed before me this 4 day of March, 2006


(Print Name)


(Signature)

000600