



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

21 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IA5-045b

1. Claimants name and address: [REDACTED] Al-Duluyehar, Iraq
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 10 August 2005 in Al-Duluyehar, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$9,600.00 on 24 August 2005.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on consideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for death of claimant's son.
5. Claimant's Allegations: Claimant alleged that U.S. Forces shot and killed his son as he slept on a roof.
6. Investigator's Opinion:
 - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
 - b. Based on the facts and the investigation, U.S. Forces did indeed shoot and kill claimant's son; however, claimant's son was wielding a weapon, which was recovered by U.S. Forces.
7. Recommended Action: This claim is not payable under the FCA. This claim for \$9,600.00 is denied.

[REDACTED]
CPT, JA
Claims Judge Advocate

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Claims Form

To: United States Army Foreign Claims Commission.

From Name: [Redacted]

Address: [Redacted]

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Al-Julayeh
- 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)

U.S Army

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: Al-Julayeh Sabah Dean Iraq
(Town) (City) (Country)

My claim arose on: Aug 10 2005
Month Day 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.)

In 1st Aug at 5:00 in the morning the American forces shoot randomly shooting which led to kill my son, his age is 22 years old. [Redacted] was sleeping and he woke up [Redacted] heard the shooting, and when the American forces shoot him as shown in the certificate of death which is signed by Basrah hospital. This case is damaged as shown in the legal expert report, and they enter the house and take 2000 \$ and 250 thousand Iraqi Dinars as shown in the legal expert

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

big damage

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
As shown in the legal expert report	9600 \$

Total: 9600 \$

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:

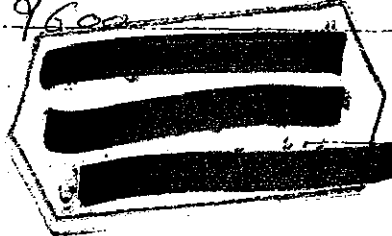
(Name)

(Address)

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

\$ 9600

local



(Signature of Claimant)

Subscribed before me this 24 day of Aug 2005

[Redacted Name] (Print Name)

[Redacted Signature] (Signature)

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