MEMORANDUM OF OPINION

SUBJECT: Claim of , 06-IA5-045b

1. Claimant's name and address: 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.

CPT, JA
Claims Judge Advocate
Claims Form

To: United States Army Foreign Claims Commission.

From: [Redacted Name]

Address: [Redacted Address]

I am

a. A citizen and national of: [Redacted Name]
b. A permanent resident of: [Redacted Name]
c. Employed by: [Redacted Name]
d. Check one: [ ] An insurer [ ] Not an insurer
   c. [ ] A subrogee [ ] Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: [Redacted Name]

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: [Redacted Name] [Redacted Name] [Redacted Name]

(Town) (City) (Country)

My claim arose on: [Redacted Name] [Redacted Name] [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 the month of August at 5:00 p.m., in the morning, the American forces shot randomness, shouting which led to kill my son, a 15-22 year old, was sleeping and he woke up and then the shouting, and when the American forces shouted him as a shooter in the certified after the death which according to the medical report the cause of death was due to the injection of the American forces in the leg of the young person, and they entered the house and took 2,000 dollars and two thousand dollars for the fall of the shooting as shown in the legal expert report.
Describe nature and extent of property damage or personal injury sustained as a result of the above incident:

[Blank space]

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.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>As shown in the legal expert report</td>
<td>$7600</td>
</tr>
</tbody>
</table>

Total: $7600

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

[Blank space]

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)

$ __________________________________________

local _______________________________________

[Signature of Claimant]

Subscribed before me this 24 day of Aug, 2005.

[Print Name] ________________________________

[Signature] _________________________________

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