



DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND JUDGE ADVOCATE
116th BRIGADE COMBAT TEAM, 42nd INFANTRY DIVISION
KIRKUK, IRAQ, APO AE 09368

REPLY TO
ATTENTION OF

15 September 2005

Foreign Claims Commission

[REDACTED] h FY05-I9B-1086
Kirkuk, Iraq

Mr. [REDACTED],

I have considered your claim under the Foreign Claims Act, Title 10 United States Code Section 2734 as implemented by Army Regulation 27-20, Chapter 10.

Your claim is denied. The Foreign Claims Act does not authorize payment of claims related to combat activities, nor of claims where US negligence cannot be established. Your claim states that your husband was shot and killed by Coalition Forces. The U.S. cannot pay your claim because your husband's death is incident to combat. I am sorry for your loss, and I wish you well in a Free Iraq.

Army Regulation 27-20 provides you the right to appeal this action. Deliver your appeal and any additional evidence to the Government Building FCC office within thirty (30) days of receipt of this notice.

Sincerely,

[REDACTED]
CPT, U.S. Army
Foreign Claims Commissioner

000666

**CLAIM FOR DAMAGE .C
INJURY DEATH**

INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s)

person
From
approve
MBC

Yehya

SITE OF THE ACCIDENT
Kirkuk - Dibis Road opposite
to sulphar factory

2-Name of claimants & Address

[REDACTED]
[REDACTED]

1088

GENDER Female	4.DATE OF BIRTH 1962	5.MARITAL STATUS. Married	6.DATE & DAY OF ACCIDENT 29 Jun 05	Time 05:30 AM
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The claim According to the claimant statement, her husband was heading to Kirkuk coming from the village where he lives, for his work (he has a shop downtown) he passed the first Iraqi checkpoint, then there was american checkpoint ahead when he saw them he start reducing the speed in order to stop, but the soldiers opened fire inteding the car without any warning shot which caused Killing the driver ([REDACTED]) at once in front of his sons whom they were with him at that moment, the soldiers called a local ambulance to take the victim to the hospital then they opologized from his son's telling them that they suspect the car and that's why they shot at them wrongfully. Although the car was clear and there was nothing suspicious in it.

damages: all the windows, lights, ^{Property damage} dash board, bumper, tires, slideroof, Engine Radiator.

INJURY

[REDACTED] (the driver) was Killed

WITNESSES

NAME	ADDRESS

Amount of claim (IN Dollars)

12A PROPERTY \$ 1365	12b PERSONAL INJURY \$ 2500	12c WRONGFUL DEATH \$ 2500	12A \$ 1365 \$ 2500
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I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a. SIGNATURE OF CLAIMANT

[REDACTED]

13b. Phone number of signatory

07701247316

14c. Date of claim

24 Jul 05

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

000667

Headquarters, 2d Battalion
116th Brigade Combat Team
Forward Operating Base Warrior
Kirkuk, Iraq



-AB-CA

17 July 05

MEMORANDUM FOR Commanding Officer 116 BCT (FWD), FOB Warrior, Kirkuk Iraq.

SUBJECT: Request for monies from the 2-116 CERP Commander's Discretionary Bulk Fund

The purpose of this memorandum is to request the use of the 2-116 CERP Discretionary Bulk Fund for a Condolence Payment to Fakher al Deen Hassun Omar in order to express sympathy for the coalition caused Death of an Iraqi Citizen that occurred on 290430JUN05 in Kirkuk, Kirkuk Governorate.

Description of the incident predicated this payment request: The deceased was shot at a traffic control point in accordance with the current ROE and rules for the escalation of force. The car he was driving approached the checkpoint at a fast rate of speed. The soldiers at the check point flashed lights at the car to get it to slow, then fired warning shots, and finally fired at the vehicle after it still failed to slow. Mr. Omar is in no way believed to be connected with the AIF. He simply made a poor decision to disregard the warnings he was given and as a result was shot and killed.

List the specific items or services requested in the table below:

#	ITEM TO BE PURCHASED OR SERVICE RENDERED	Unit Price	Quantity	TOTAL
1	Payment for death and damage to property	\$2,500.00	1	\$2,500.00
2				\$0.00
3				\$0.00
	TOTAL			\$2,500.00

DC for this action is [REDACTED], DNV 302-539-5447, MPR [REDACTED]

[REDACTED]
[REDACTED]
CPT, IN
Commander

~~Approve / disapprove~~ this Condolence Payment.

[REDACTED]
[REDACTED]
LTC, AR
Commander

~~Approve / disapprove~~ this Condolence Payment.

[REDACTED]
[REDACTED]
BG, USA
Commanding

000668