Foreign Claims Commission

[Redacted] FY05-J9B-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,

CPT, U.S. Army
Foreign Claims Commissioner
CLAIM FOR DAMAGE .•
INJURY DEATH

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

SITE OF THE ACCIDENT
Kirkuk- Diabas Road opposite
to sulphur factory

2. Name of claimants & Address

GENDER
Female

DATE OF BIRTH
1962

MARRITAL STATUS.
Married

6. DATE & DAY OF ACCIDENT
29 Jun 05

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 said them he strrot reducing the speed in order to stop, but the soldiers
opened fire inteding the car without any warning shot which caused killing the
driver ( ) at once infront 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 apologized from his son's telling them that they suspect the car and
that's why they shot at them wrongfully. Although the car was clean and there
was nothing suspicious in it.

Property damage:
all the windows, lights, dashboard, bumper, tires, side roof, Engine
Radiator.

INJURY

( 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

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
CLM.

13a Signature of Claimant

13b Phone number of signatory
0770147516

14a Date of claim
24 Jul 05

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENT:

000673
MEMORANDUM FOR Commanding Officer 116 BCT (FWD), FOB Warrior, Kirkuk Iraq.

ECT: 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 coalition caused Death of an Iraqi Citizen that occurred on 290430JUN05 in Kirkuk, Kirkuk governor.

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 checkpoint shed lights at the car to get it to slow, then fired warning shots, and finally fired at the vehicle after it 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.

The specific items or services requested in the table below:

<table>
<thead>
<tr>
<th>#</th>
<th>ITEM TO BE PURCHASED OR SERVICE RENDERED</th>
<th>Unit Price</th>
<th>Quantity</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Payment for death and damage to property</td>
<td>$2,500.00</td>
<td>1</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>$0.00</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>$0.00</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

DC for this action is [Redacted], DND 302-539-5447. MPR.

CPT, IN
Commander

OVE / disapprove this Condolence Payment.

LTC, AR
Commander

OVE / disapprove this Condolence Payment.

BG, USA
Commanding