MEMORANDUM OF OPINION

SUBJECT: Claim of 05-IA3-1745

1. Identifying Data: Samarra, Iraq

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 1 June 2005, in Samarra, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for $3,000 on 4 September 2005.

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 filed in a timely manner.

5. Facts: Claimant alleges that her son was killed by U.S. Forces. Claimant owns a water tank store in Samarra. Claimant’s son went to the store to pick up equipment, when the store was fired on by a U.S. Forces tank. Her son was killed while in the store. The claimant was asked to provide photographs of the damage to the store. She said she could not provide photographs, because it is dangerous to return to that area. She also changed her story, indicating that her son was outside the store when he was shot and killed. She further went on to state there was damage to the store. Even though he was engaged by the main gun of the tank, while standing in front of the store, it was allegedly undamaged. The claimant provided two witness statements, both of which stated that her son was killed by bullets hitting him in the chest. There is no report of this incident in Division records.

6. Opinion: The claimant’s testimony and supporting evidence are inconsistent. She is not credible. There is insufficient evidence to indicate that U.S. Forces killed the claimant’s son.

7. Recommendation: The claim is denied.

CPT, JA
Chief, Claims
MEMORANDUM FOR Claimant

SUBJECT: Claim 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 proving your claim. If the appeal is sent after 30 days has passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the Tikrit Claims Office at DNVT 584-1084.

CPT, JA
Foreign Claims Commissioner
Claims Form

To: United States Army Foreign Claims Commission.
From: Name: ____________________________
POA/ATT: ______________________________

[ ] Power of Attorney provided and interpreter approved:
Decedents: ______________________________

Hometown: Tikrit ________________________ Iraqi Resident: ________________________

My claim arose at: Al Seberia ________________________ Sanarra ________________________ Iraq ____________________________
(Town) (City) (Country)
My claim arose on: June 1st 05 (1800)
Month Day Year

Proof of Ownership: ____________________________
[ ] Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):
Interpreter Approved: ____________________________

Legal Expert Opinion:
[ ] Interpreter Approved:

Witness Statement (Consistent?):
Interpreter Approved: ____________________________

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.)

Claimant was at water tank shop in Sanarra. Her son
went to store to pick up equipment to bring to their
new store in Tikrit.

Claimant tank shot from man gun & hit store
& killed her son.

- Tank was firing a lot of rounds

Claimant has no photos or proof of
damages to store

- Asked for pan & she said
she didn't have it & not safe to go back

- Claimant states news that son was
outside store when he got shot no
damage to store & killed my man Tank Boy

Evidence: 000830

- Both witnesses & DLC consistent
- Bullet wounds to chest & head
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>Injury</td>
<td>$9000</td>
</tr>
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</table>

Total: $9000

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

$3000 local

(Signature of Claimant)

Subscribed before me this 4 day of Sept, 2005.

(Print Name)  (Signature)