



DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

23 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 06-IR8-444

- 1. Identifying Data:** [REDACTED] by Attorney [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 13 March 2005 in Al Dujayl, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 21 March 2006.
- 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 properly filed in a timely manner.
- 5. Facts:** The Claimant alleges that his brother, [REDACTED], was driving from Mosul to Baghdad when CF passed his car, which was temporarily stopped at a restaurant. The incident allegedly occurred about 1100 in the area of the Al Rawad village, about 20 km south of the city of Dujail. A SIGACTS investigation revealed no activity meeting the claimant's description of events..
- 6. Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." Here, there is insufficient credible evidence to prove this claim.
- 7. Recommendation:** The claim is denied.

[REDACTED]  
[REDACTED]  
[REDACTED]  
CPT, JA  
Claims Judge Advocate

000936

## TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission,

From: Name: \_\_\_\_\_

POA/ATT: \_\_\_\_\_

Power of Attorney provided and interpreter approved: \_\_\_\_\_

Decedents: \_\_\_\_\_

Hometown: \_\_\_\_\_  Iraqi Resident: \_\_\_\_\_

My claim arose at: Al Dujail (Al Rawad)  
(Town) (City) (Country)

My claim arose on: MARCH 05  
Month Day Year

Proof of Ownership: N/A

VIN Match: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): COO - bullets in head;

Interpreter Approved: \_\_\_\_\_

Medical Report/Legal Expert Opinion: N/A

Interpreter Approved: \_\_\_\_\_

Witness Statement (Consistent?): ① Son (passenger) - CF shot at the CJ car. Shot randomly.

Interpreter Approved: ②

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.)

on Baghdad - Mosul highway. C is decedant's father in front of restaurant car was parked  
convey came from Mosul, shot at the CJ car. 25 m. of the road.

<u>Grey Car, BMW</u> <u>1990 (\$3,300)</u> <u>3/11/2005</u>	<u>11:00 a.m.</u> <u>25 m. away when shot</u> <u>Al Rawad is 20 Km away (south)</u>
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Evidence: sale contract;

000937

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

wrongful death 2,500

Total: \$2,500

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

\$ 2,500 local

(Signature of Claimant)

Subscribed before me this 22 day of March, 2006.

(Signature)

000938