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.

CPT, JA
Claims Judge Advocate
TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.
From: Name: [Redacted]

POA/ATT: [Redacted]

☐ Power of Attorney provided and interpreter approved:

Decedents: [Redacted]

Hometown: [Redacted]  □ Iraqi Resident:

My claim arose at: Al Dijail (Al Rawed)
(Town) [Redacted]  (City) [Redacted]  (Country) [Redacted]

My claim arose on: March 13 03  (Month) [Redacted]  (Day) [Redacted]  (Year) [Redacted]

Proof of Ownership: [Redacted]

☐ VIN Match:

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): [Redacted]

☐ Interpreter Approved:

Medical Report/Legal Expert Opinion: N/A

☐ 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.)

on Baghdad - Mosul highway. C is decedents father. In front of red car was parked

convoq came from opposite shot at the C\'s car. shot randomly

C\'s car 25 m of the road. end vehicle

Grey Car BWM  1990  (Redacted)  Al rawed is 80 km away (South)

Evidence: Sale contract  600937
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>Wrongful death</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

Total: $2,500

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

$ 2,500

[Signature of Claimant]

Subscribed before me this 22 day of March, 2006.