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, PCC
Foreign Claims Commissioner

00959
MEMORANDUM OF OPINION

SUBJECT: Claim of [Redacted], 06-IA3-229

1. Identifying Data: [Redacted] by Attorney [Redacted]

2. Date and place the incident occurred giving rise to the claim: The claim occurred on September 20, 2005 in Tikrit, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for $3,500 on 13 Dec. 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 properly filed in a timely manner.

5. Facts: Claimant alleges that CF fired and killed the decedant, [Redacted], during a firefight with AIF. A SIGACTS investigation (SIGACT 13418) revealed that a complex attack was conducted against the 1137 Transportation Company on that date using SAF, RPG and parachute grenades. The convoy was attacked when it made a wrong turn in the city of Ad Deloyiah on its way to FOB McKenzie. There were 2 US WIA and 4 local nations killed in the incident. SIGACTS did not have information revealing the names of the Iraqi decedants.

6. Opinion: Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, CF were engaging in bona fide self defense when they were attacked. Accordingly, CF actions constitute combat activity.
7. **Recommendation:** This claim is denied.

CPT, JA
Claims Judge Advocate
Claims Form

To: United States Foreign Claims Commission.
From: [Name redacted]
POA/Agent: [Name redacted]
Witness: [Name redacted] and Interpreter approved:
Decedent: [Name redacted]

Hometown: __________________________
□ Iraqi Resident: ____________________

My claim arose in: Balad, Al Dehokia (Town) (City) (Country)
My claim arose on: Sept 20, 2005 (Month) (Day) (Year)

Proof of Owners/Interpreter: __________________________
□ Interpreter Approved: ______________________________

Death Certificate: __________________________
Death Certificate Original Seen: ____________
□ Interpreter Approved: __________________________

Death Certificate: __________________________
Death Certificate Original Seen: ____________
□ Interpreter Approved: __________________________

Legal Expert Opinion: __________________________
Witness Statement: ___________________________
□ Interpreter Approved: __________________________

Give a brief statement of the nature of the claim: (Injuries sustained in accident or suicide; if necessary.)

- 11 a.m. started shooting to get out of situation -
- Keep people away -
- One of the horses stepped on the claimant -
- Shoot the claimant -

Evidence:

- Random shot - C's father -
- CF lost gun - inside and Decokia began shooting -
- Killed his father -
- Helicopters arrived to assist leaving the city -
- He saw the 30 vehicles -
List in detail the 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>$3,500</td>
</tr>
<tr>
<td>Property damage</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

Total: $3,500

I was insured to the following extent against the damage or injuries I have sustained:


The name and address of the Insurer:

(Name) [Redacted]

(Address) [Redacted]

I claim as damages $3,500 (State amount in U.S. dollars and local currency)

[Redacted]

Total