



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)  
OPERATION IRAQI FREEDOM (FOB LIBERTY)  
APO AE 09308

DHFT-JA

1 August 2005

**MEMORANDUM OF OPINION**

**SUBJECT:** Claim of [REDACTED], 05-IA3-1541

1. **Identifying Data:** [REDACTED], Bayji, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 6 March 2005, in Bayji, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$5,000 on 30 July 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 his son was killed by U.S. Forces. Claimant was driving his Toyota from Suniya to Bayji. His three sons were traveling with him and the decedent was riding in the front passenger seat. Claimant was entering the highway and a U.S. convoy was traveling on the highway when an IED detonated. The claimant alleges that U.S. Forces responded with small arms fire in their direction, shooting his son. The convoy did not stop. The claimant took his son to the hospital, but he died there. The claimant provided corroborating witness statements, from his other sons and a death certificate. He could not provide photographs of the vehicle. There was no report of this incident in Division records.
6. **Opinion:** There is insufficient evidence to indicate that U.S. Forces caused the death of the claimant's son.
7. **Recommendation:** The claim is denied.

[REDACTED]  
[REDACTED] ES  
CPT, JA  
Chief, Claims

001068



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)  
OPERATION IRAQI FREEDOM (FOB LIBERTY)  
APO AE 09308

DHFT-JA

9 AUG 05

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

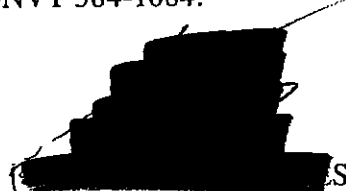
1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

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 provided additional evidence, then the appeal will be denied.

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

  
CPT, JA  
Foreign Claims Commissioner

001069

# Claims Form

To: United States Army Foreign Claims Commission

From: Name:

[Redacted]

← deceased's father

POA/ATT:

Power of Attorney provided and interpreter approved:

Decedents:

[Redacted]

-1840A Single SON

Hometown:

Bayji

Iraqi Resident:

My claim arose at:

(Town)

Bayji

(City)

Iraq

(Country)

My claim arose on:

March

Month

6

Day

05

Year

1400 P.m

Proof of Ownership:

TOYOTA MARK - Yellow

No CLAIM FOR VEHICLE

Interpreter Approved:

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

Deceased NAME Dtd 6 MAR 05, 1400, CoD Bullet shot to head w/ severe bleeding, Bayji General hospital.

Interpreter Approved:

Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?):

1 - PSNGRS IN CAR - Consistent - Brothers of victim

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 driving his car from Sulayya to Bayji. US forces coming driving along highway & Claimant was entering highway. Jeep went off at roadside entrance. US soldiers started shooting & 18 SON IN passenger seat killed.

- SON WAS ON RIGHT SIDE OF THE CAR. HMMWV CLOSEST TO CAR SHOT & KILLED SON, NO INJURIES TO DRIVER

Car did not stop kept going. Claimant drove to hospital where the son died

Evidence:

NO PHOTOS

2 Bullets fired - thru Drivers side back seat window  
001070

0.0

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
WIDOWLY Death	\$ 5000

Total: \$ 5000

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)  
\$ 5000 local

(Signature of Claimant)

Subscribed before me this 30 day of JUL, 2005.

SGT [Redacted]  
(Print Name)  
[Redacted]  
(Signature)

001071