



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3RD INFANTRY DIVISION (FORWARD)
TASK FORCE BAND OF BROTHERS, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZP-VA-JA

14 November 2005

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
(Claim Number 05-IA3-1698)

1. On 11 March 2005 [REDACTED]'s son was shot and killed by U.S. Forces responding to attack.
2. I certify that funds are available from the CERP to pay [REDACTED] in the amount of \$2500.00. This is a condolence payment.

[REDACTED]
CPT, EN
Project Purchasing Officer

3. The request to pay [REDACTED] in the amount of \$2500.00 from CERP is approved. The claimant will receive a payment. There is no legal objection to this payment. I order payment of this money.

[REDACTED]
CPT, JA
Trial Counsel

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Claims Form

To: United States Army Foreign Claims Commission

From: Name: [Redacted] (Father)

POA/ATT:

Power of Attorney provided and interpreter approved:

Decedents: [Redacted] (Son)

Hometown: Esharki Iraqi Resident:

My claim arose at: Esharki Iraq
(Town) (City) (Country)

My claim arose on: March 11 05 17:15
Month Day Year

Proof of Ownership:

Interpreter Approved:

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

SAME NAME NONE 11 Mar 05
Didn't see body, cert made based on judicial ruling

Interpreter Approved:

Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?): W. (Aqshan) - 100m's away - same

Interpreter Approved: W. (relative) - IN other car - same

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.)

Story detailed
truthful

C's SON WAS DRIVING HIS CAR, A 1988 TOYOTA
WHILE ON WAY TO WORK
US FORCES BLOCKED ROAD IN ESHARKI, 1/2 APPROXIMATELY
US FORCES SHOT US CAR, A 1988 TOYOTA
YASSIR'S CAR 100 M'S FROM MAIN ROAD
US FORCES SURROUNDED CAR & PUT BODY FROM CAR
OR TOOK PHOTOS
(US FORCES SHOT FROM INSIDE CAR, GOT OUT SHOT AGAIN)
US SEARCHED CAR & FOUND NOTHING

Evidence:

U shot twice in chest, US LEFT

EVIDENCE - DOB RED & GELDER

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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.)

<u>Item</u>	<u>Amount</u>
Wrongful Death	
	Total: \$3000

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 27 day of Aug, 2005.

(Print Name)

(Signature)



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
3RD INFANTRY DIVISION (TASK FORCE BAND OF BROTHERS)
FOB SPEICHER, IRAQ APO AE 09393

AFZP-VA-JA

14 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA3-1698

1. **Identifying Data:** [REDACTED] Eshaki, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 March 2005, in Eshaki, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3000.00 on 22 August 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 CF fired upon his son as he drove his vehicle toward a security cordon in a populated area. The driver of the vehicle died from multiple GSWs to the chest. A check of SIGACTS lists the decedent by name as a LN killed in this incident. The claimant provided a death certificate, witness statements, and court documents to substantiate the claim.
6. **Opinion:** There is sufficient evidence to indicate that U.S. Forces were involved in this incident. Unfortunately, this event constitutes combat action and is non-compensable due to the combat exception to the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]
[REDACTED]
CPT, JA
FCC

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