



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

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim [REDACTED]; 06-IR8-372

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 August 2005 in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 5 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 CF killed her son while he walking down the street in the Saeed Hameeda Tekyia area of Samarra. The claimant does not know why CF might have shot her son. A SIGACTS investigation revealed that a suspicious LN male fled CF forces when they attempted to detain him. The LN was wounded and sent to FOB Paliwoda for interrogation.
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 that CF killed the claimant's son. There is some evidence suggesting that the claimant's son is AIF.
7. **Recommendation:** The claim is denied.

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

001105

6-1R8-372
30 Apr 06



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MEMORANDUM FOR Record

SUBJECT: Claimant 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: AIF entanglement

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 supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[Redacted]
CPT, JA
Chief of Claims

001106



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- e. The evidence shows that your claim was fraudulent.
- f. Other: _____

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CPT, JA
Chief of Claims

001107

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: Samarra Iraqi Resident: _____

My claim arose at: Samarra _____

(Town) _____ (City) _____ (Country) _____

My claim arose on: 11 AUG 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): COD - bullets in head & chest.

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: N/A _____

Interpreter Approved: _____

Witness Statement (Consistent?): Grandsons - heard about the accid at _____

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.)

C's son was killed in samarra. (center city)

deceased was walking on street, 2 6 pm. evening

deceased born 1962 - JCF were on boat.

_____ → doesn't know where this is.

no idea what was going → / person was a worker

Old man was an eye witness, but now he is dead

Evidence: copy of death cert; deceased's ID

001108

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>
Wrong full 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 5 day of March, 2006.

CPT

(Print Name)


(Signature)

001109