



DEPARTMENT OF THE ARMY
Office of the Command Judge Advocate
1st Brigade Combat Team, 101st Airborne Division (AASLT)
FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO
ATTENTION OF:

AFZB-KA-CJA

6 MAR 06
13 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IO6-0271



1. Claimants name and address: [REDACTED] Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 1 January 2006 in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$3,367.00 on 5 February 2006.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for damages to his father's vehicle.
5. Facts:
 - a. [REDACTED] claims that on 1 January 2006, his father was driving home when Coalition Forces shot and killed him. The claimant says the vehicle is destroyed.
 - b. The 15-6 and photos are attached.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

001149

AFZB-KA-CJA

SUBJECT: Claim of Imad Youkhana Yaqu, 06-IO6-0271

- b. This claim is combat related and cannot be paid under the FCA.
7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$3,367.00 is denied.



MAJ, JA
Foreign Claims Commissioner

OFFICE OF THE COALITION PROVISIONAL AUTHORITY
(OCPA) PROJECT WORKSHEET

TYPE OF OPCA PROJECT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC/1st BCT/101st Abn Div, Judge Advocate

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: [REDACTED]
PHONE: VOIP 242-2624
NIPR EMAIL: [REDACTED]

NAME THE PROJECT: Condolence Payment for damages to the property of [REDACTED]
[REDACTED] FY06-106-0271

PROJECT LOCATION: Kirkuk, Iraq

PROJECT DESCRIPTION: Condolence Payment to [REDACTED]

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are cash payments to local nationals, or to their family members, who suffer death or injury or property damage caused by US forces in the performance of official duty. US forces make Condolence payments without reference to fault by either the local national or US forces, as an expression of sympathy and good will and in the best interest of the US Government.

COST (U.S. Dollars) AND JUSTIFICATION: \$1,500.00. [REDACTED]'s vehicle was damaged by negligent fire of Coalition Forces.

[REDACTED] does not have a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because his losses are incident to combat.

NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraqi): Samir U MAR 06

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1

001151

**CLAIM FOR DAMAGE . OR
INJURY DEATH**

INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s)

person
From
approve
MBC

SARKIS	SITE OF THE ACCIDENT Rakeem Awa	2-Name of claimants & Address I [REDACTED]
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0271

GENDER Male	4.DATE OF BIRTH 1966	5.MARITAL STATUS Married	6.DATE & DAY OF ACCIDENT 1st Jan 06	TIME: 2:00 PM
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His father [REDACTED] was driving his vehicle back home when ~~the~~ CFS open fire and killed him wrongfully and the vehicle was severely damaged.

Note: Repairing the vehicle will cost more than its price.

Property damage

INJURY

WITNESSES

NAME	ADDRESS
[REDACTED]	Kirkuk - Rakeem Awa
[REDACTED]	Kirkuk - Rakeem Awa.

Amount of claim (IN Dollars)

12A PROPERTY 5,000,000 ID + Death	12b PERSONAL INJURY	12c WRONGFUL DEATH Death	12A <u>\$3,367.00</u> 5,000,000 ID + Death.
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I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a SIGNATURE OF CLAIMANT [REDACTED]	13b. Phone number of signatory	14c. Date of claim 5th Feb 06
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CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

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