



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

20 June 2006

CP3AAS61490618-11
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
(Claim Number 06-IR8-254)

1. On 2 December 2005, [REDACTED] s brother, [REDACTED], was shot and killed by CF as he tried to enter the path of a convoy.
2. I certify that CERP funds are available to pay [REDACTED] in the amount of \$2,500.00. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$2,500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

[REDACTED]
CPT, EN
Project Purchasing Officer

001165



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

18 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 06-IR8-254

- 1. Identifying Data:** [REDACTED] by Attorney [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 2 December 2005 in Balad, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 7 Feb. 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 that his brother was killed when he was driving in Balad when a CF convoy allegedly shot him. The convoy was allegedly driving down the wrong direction of the road. The deceased, [REDACTED], allegedly tried to pull over to the side of the road but was shot. The incident allegedly occurred about one kilometer outside Balad, near the city train station. A SIGACTS investigation revealed that 32 SIG BN had an escalation of force with a local national vehicle when the LN vehicle was traveling slowly down in front of the convoy. The elad vehicle waved the LN off the road and the convoy passed the vehicle. The LN truck then reentered the convoy at a high rate of speed aimingt straight at the lead vehicle. The gunner of the lead vehicle shot and killed the driver. The convoy continued movement without stopping, IP later recovered the body of the man.
- 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, the deceased was killed during an escalation of force. Escalation of force constitutes combat in this instance because the gunner was firing at the vehicle in anticipatory self defense and the threatening nature of the vehicle.
- 7. Recommendation:** The claim is denied.

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

001166

6-TR8-254
21 Feb 06



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZB-JA-C

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

████████████████████
CPT, FCC
Foreign Claims Commissioner

001167

Claims Form

To : United States Army Foreign Clams Commission

From: Name [Redacted]

Address: [Redacted]

I am Balad - Al Saad

- a- A citizen and national Iraq
- b- A permanent resident of: Iraqi
- c- Employed by: _____
- d- Check one () An insurer () Not an insurer
- e- Check one () A subrogee () Not a subrogee

I hereby make a claim against the United States Government For damages or injuries

Caused by: (Name, Organization , Military Department, Address, Telephone Number)

against the Alliance Forces

The property damaged is owned by : (If the claim is made as an agent, parent , or guardian , attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries)

my brother who had been killed by the u.s.A shoots.

My claim arose at :

[Redacted] Balad station Balad Iraq
(Town) (City) (Country)

My claim arose on :

December 2 2005
Month Day Year

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)

At the morning of 2-12-2005 My brother was going out to Balad station place for selling the fruits at once of his brother arrival to channel + the place of u.s forces shoted him with their guns and laid him (knocked) down and killed him immidiately My brother leading the car type Toyata /pickup Model 1980 white colored Number [Redacted] Iraq - Diyala as well as his car has damaged also Compelety because of the shooting.

Describe nature and extent of property damage or personal injury sustained as a result of the above incident

The Coalition forces had killed my brother with their guns as he went to the station to sell his fruit.

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
1- My brother who had been killed	25000 \$

Total

25000 \$

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)

\$ 25000 local 3,700,000 Million dinars Iraqi

(Signature of Claimant)

Subscribed before me this _____ day of _____ 200

(print Name)

(Signature)