MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [Redacted]

1. **Facts.** On 3 May 05, claimant’s father was driving in a 9 Nissan when he was shot and killed by U.S forces applying escalation of force measures at a checkpoint.

2. **Opinion.** In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. In this case, the death resulted from the combat activities of U.S. forces. Accordingly, compensation is barred as a matter of law.

3. **Authority.** The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. **Action.** The claim is denied.
MEMORANDUM OF OPINION

SUBJECT: Claim of [Redacted]

1. Claimant’s name and address: [Redacted], Baghdad, Iraq.

2. Date and place the incident occurred giving rise to the claim: Incident occurred on 3 May 2005, at Check Point 9, Al-Masthal, 9 Nissan, Baghdad, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim in the amount of $30,000.00 on 15 November 2005.

4. Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20; claimant filed for death of claimant’s father and damage to vehicle from small arms fire caused by combat involving Coalition Forces.

5. Facts:
   a. On 3 May 2005, the claimant’s family vehicle was shot at by Coalition Forces as it approached a check point.
   b. The claimant’s father was injured during the shooting and later died.

6. Opinion:
   a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.
   b. The incident that resulted in the death of the claimant’s father and damage to the vehicle was an escalation of force.
   c. The claim is meritorious but was the result of combat operations.
   d. The claimant has filed three other claims for this incident in the amounts of $1,280.00, $10,000.00, and $1,500.00. All three claims were denied on 25 November 2005 because they were the result of combat operations.

7. Recommended Action: Disapprove the claim.

CPT, JA
Single Member FCC
Claims form
Us foreign commission

Claim# 2-068-5

Claimant name
Address
Sec- St- H-

Relation ship The victim's Dom Dob d/m/y 22, Nov, 1968 Age 37

A citizen and national of Gray, Bangladesh
A permanent resident of

Type claim (circle which applied) Reconsideration

1-Vehicle
2-Personal property
3-Real estate
4-Personal injury
5-Death

Have you filed acclaim before (circle which applied) YES OR NO

Date incident occurred /D/ 3rd /M/ May /Y/ 2005

Place incident occurred: Al-Mashtal

SITUATION He was driving his car. An American
patrol opened fire and killed him and caused damage
to his car.

List in detail amount of property damage and itemized expense resulting from the
property damage personal injury: (attack bills and receipts, if applicable).

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He asks reconsideration

TOTAL AMOUNT: US DOLLAR 30,000.00 Thirty Thousand U.S.D

IRAQI DINAR

ID

Today date: D/29th/M/Nov./Y/2005
Translator name
Signature