



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

5 December 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [REDACTED]

1. Facts. On 3 May 05, claimant's father was driving in 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.

[REDACTED]
CW2/JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

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Claims form
Us foreign commission

Claim# 2-068-5

Claimant name [REDACTED]

Address [REDACTED] Jameila

Sec/ [REDACTED] St/ [REDACTED] H/ [REDACTED]

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

A citizen and national of Iraq

A permanent resident of Baghdad

Type claim (circle which applied)

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

Reconsideration

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: (attach bills and receipts, if applicable).

| Item | Amount |
|------|--------|
|------|--------|

We ask reconsideration

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

IRAQI DINAR / ID

Today date: D/ 9th M/ Nov. Y/ 2005

Translator name [REDACTED]

Signature [REDACTED]

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