

HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380

REPLY TO
ATTENTION OF:

AFZP-VB-JA

27 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]

1. **Claimant's name and address:** [REDACTED], Adhamiya [REDACTED], Baghdad, Iraq.
2. **Date and place the incident occurred giving rise to the claim:** Incident occurred on 14 March 2005, at Adhamiya, Baghdad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim in the amount of \$20,000.00 on 23 November 2005.
4. **Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20;** claimant filed for the death of claimant's husband and son as a result of small arms fire caused by combat.
5. **Facts:**
 - a. On 14 March 2005, the claimant's husband and son were traveling on foot near Antar Square in Adhamiya, Baghdad, Iraq.
 - b. They were shot and killed by small arms caused by combat involving C.F.
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 was the result of combat operations and cannot be paid.
7. **Recommended Action:** Disapprove the claim.

[REDACTED]
[REDACTED]
[REDACTED]
CPT, JA
Single Member FCC

001220



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 14 March 2005, claimant's husband and son were killed by small arms fire in Adhamiya near Antar Square.
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, there is no evidence that U.S. forces' negligence caused the deaths.
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

001221

HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380

REPLY TO
ATTENTION OF:

AFZP-VB-JA

27 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]

1. **Claimant's name and address:** [REDACTED] Adhamiya, [REDACTED] Baghdad, Iraq.
2. **Date and place the incident occurred giving rise to the claim:** Incident occurred on 14 March 2005, at Adhamiya, Baghdad, Iraq.
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6. **Opinion:**
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 - b. The incident was the result of combat operations and cannot be paid.
7. **Recommended Action:** Disapprove the claim.

[REDACTED]
[REDACTED]
[REDACTED]
CPT, JA
Single Member FCC

001222

To: United States Army Foreign Claims Commission

From: Name: [Redacted]

Address: Adhamiya, S. Sec. [Redacted]

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Baghdad
- 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)

Military Department, Unit # C-39 135 CA V

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

My claim arose at: Adhamiya Baghdad Iraq (Town) (City) (Country)

My claim arose on: March 14 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.)

In 14 March 05 Mrs. [Redacted] husband [Redacted] and her son [Redacted] were shot dead by U.S. Army patrol while they were coming back home in Adhamiya neighborhood near "Antar" square.

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

Loss of wife

