



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

20 April 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA5-578

1. Claimants name and address [REDACTED], Baqubah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on March 24th 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5,000 on 31 March 2005
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 claimant's house and compensation for father's death.
5. Facts:
 - a. Claimant says there were fighting between U.S. forces and insurgents and in defense shot at the claimant's house causing minor damages, also supposedly his father was shot and died later.
 - b. There were pictures, witness statements, and CDF from 1/10 FA included in the submitted claim.
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.

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- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Based on the facts and circumstances, this incident is combat related and is not compensated for under the FCA.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$5,000 is denied.

[REDACTED]

CPT, JA
Claims Judge Advocate

CLAIMS FORM

To: United States Army Foreign Claims Commission.

From: Name: [Redacted]

Address: Benghazi, Libya

I am

- a. A citizen and national of: _____
- b. A permanent resident of: _____

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

B.Co. 2169

The property damaged is owned by: _____

My claim arose at: Benghazi (Town) Libya (Country)

My claim arose on: March (Month) 24th (Day) 2005 (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.)

There was fighting with Coalition forces and AIF, and in defense shot at checkpoints. House causing minor damage. Supposedly he father was shot and died two days later.

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
- House Damages	
- Father's death	

Total: \$ 5,000

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 5,000 local _____

[Redacted Signature]
(Signature of Claimant)

Subscribed before me this 31 day of March, 2005.

[Redacted Name]
(Print Name)

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