



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

REPLY TO  
ATTENTION OF:  
AFZP-VI-JA

30 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 06-IA5-126a

1. Claimants name and address: [REDACTED] Muqdadiyah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 14 September 2005 in Muqdadiyah, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000 on 26 November 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 compensation for wrongful death.
5. Claimant's Allegations: Claimant's husband was killed by US forces.
6. Investigator's Opinion:
  - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
  - b. Based on the facts and investigations, there was no substantial evidence to prove U.S. negligence were involved. The death is the result of the claimant's husband shooting at US forces.
7. Recommended Action: This claim is not payable under the FCA. This claim for \$6,000 is denied

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

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# Claims Form CF-1

1. To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]  
Address: Muqadadiyah, Iraq

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Iraq
- c. Employed by: Ministry

2. I hereby make a claim against the United States Government for damages or injuries caused by: (Unit Name or Individual)

3. The property damaged is owned by: \_\_\_\_\_

4. My claim arose at: Muqadadiyah Iraq  
(Town) (City) (Country)

5. My claim arose on: Sep 14 2005  
Month Day Year

6. 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.)

1600 [REDACTED] was engaged by C.F. and killed. Claimant's wife does not know why husband was engaged.

7. 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
<u>Death of Husband</u>	<u>6,000</u>

Total: 6,000

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

\$ 6,000 local

[REDACTED]  
(Signature of Claimant)

9. Subscribed before me this 19 day of Nov, 2004.

[REDACTED]  
Name: \_\_\_\_\_ Rank: Sgt

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