MEMORANDUM FOR Record

SUBJECT: Claimant Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:
   a. There is not enough evidence to prove your claim.
   b. The evidence shows that United States Forces did not cause the damage.
   c. The evidence shows that the damage was caused during combat.
   d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
   e. The evidence shows that your claim was fraudulent.
   f. Other:

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

CPT, JA
Chief of Claims
MEMORANDUM OF OPINION

SUBJECT: Claim of [redacted], 06-IR8-713

1. Identifying Data: [redacted] filed by Attorney [redacted]

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 25, 2005 in Balad, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for $3,000 on 9 May 2005.

4. Jurisdiction: This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.

5. Facts: Claimant alleges that his brother was killed by CF when he pulled his car off to the side of the road. The decedent was allegedly trying to fix a flat tire when a CF sniper team shot and killed him. A SIGACTS investigation revealed that a sniper team engaged two local nationals who appeared to be emplacing an IED alongside the road. The scene was searched, but no IED materials were found. However, the vehicle was swipe tested for explosives which revealed that the vehicle had been in contact with class B explosives. This is a very special explosive which does not leave a residue for a long time. It is likely that the decedent had contact with explosives that night.

6. Opinion: "Under AR 27-20, paragraph 10-3a(4), "Enemy national" status is a factor in determining whether a potential claimant is eligible to bring a claim under the FCA. This question presents a threshold issue; after that initial finding, a claimant's "unfriendly" status is factored into the exercise of discretion in considering a claim on its merits." Here, there is excessive AIF entanglement with this claim to be considered for payment.

7. Recommendation: The claim is denied.

CPT, JA
Claims Judge Advocate

13 May 2006
To: United States Army Foreign Claims Commission.
From: [Name]

POA/ATT: [Name]
[Power of Attorney provided and interpreter approved]

Decedents: [Name]

Hometown: Alisalaiqi

My claim arose at: Alisalaiqi - Harbah Bridge

My claim arose on: [Feb 25, 2006]

Proof of Ownership:

VIN Match: [NA]

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):

[Interpreter Approved]

Medical Report/Legal Expert Opinion: Hospital Report - Death

Interpreter Approved:

Witness Statement (Consistent?): Witness - Factory Worker

Interpreter Approved:

Saying same story

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.)

Claimant alleged that the Decedent was driving towards [Place] when he got a flat tire, so he stopped to fix it. But there was no way of reaching it, so they saw him fixing his car. They stopped and attempted to help him, when they saw him fixing his car, they started shooting & killed him.

Toyota Corolla 1985

White

7:30 PM
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.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3,000</td>
</tr>
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</table>

Total: $3,000

I claim as damages: (Indicate amount in U.S. dollars and local currency)
$3,000

(Signature of Claimant)

Subscribed before me this 9 day of May, 200[200]

(Print Name) [Redacted]

(Signature) [Redacted]