

6-128-682
9 May 06



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

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

001342



DEPARTMENT OF THE ARMY
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HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ, APO AE 09393

AFZB-JA-C

4 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 6-IR8-682

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 2 February 2006 in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 2 May 2006.
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:** The Claimant alleges that his daughter ^{NAS}wife at a party close to his house when CF allegedly came into the area and began shooting in the area. The claimant allegedly later found his daughter, [REDACTED] dead. A SIGACTS investigation revealed no activity similar to the Claimant's description of events.
6. **Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." There is insufficient credible evidence to substantiate claimants allegations.
7. **Recommendation:** This claim is denied.

[REDACTED]

CPT, JA
Claims Judge Advocate

001343



TF Band of Brothers Claims Intake Form



To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved:

Decedents: - [REDACTED]

Hometown: _____ Iraqi Resident: _____

My claim arose at: Al Motawafiq - Samarra
(Town) (City) (Country)

My claim arose on: Feb 02 06
Month Day Year

Proof of Ownership: _____

VIN Match: _____

Interpreter Approved: N.A

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

Interpreter Approved: match with Medical Report + Death c.

Medical Report/Legal Expert Opinion: cause of Death is bullets and frags

Interpreter Approved: match

Witness Statement (Consistent?): w1 - police man

Interpreter Approved: saying the 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 alleges that his daughter were @ party close to his house when Co. of came @ the area and start shooting a house the area, his daughter found killed and found US bullet in her body

1400 / PM

Evidence: witness, Death C. PoA

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
\$ 2500 Dead girl	

Total: \$2500

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

\$ 2500 local _____

(Signature of Claimant) 

Subscribed before me this 2 day of May, 2006

(Print Name) 
(Signature) 