MEMORANDUM OF OPINION

SUBJECT: Claim of 05-IA3-990

1. Identifying Data: Mukashifa, Iraq

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 13 March 2005, in Mukashifa, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for $4,700 on 4 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 filed in a timely manner.

5. Facts: Claimant alleges U.S. Forces shot and killed his father and damaged his vehicle. The claimant’s father was driving the from Samarra to Tikrit, when he was passed by a U.S. Forces convoy. A soldier in the last vehicle in the convoy shot the claimant’s father through the vehicle. The convoy stopped, contacted the Iraqi police, who transported the claimant’s father to the hospital, where he died three days later. The claimant provided photographs, medical records, a death certificate, ownership documents for the vehicle and a police report. The incident was not found in a search of division records. A legal expert report estimated the damages to the vehicle at $1,200.

6. Opinion: There is sufficient evidence to indicate that U.S. Forces killed the claimant’s father and damaged his vehicle. However, those forces were involved in security operations at the time. This case falls within the combat exception.

7. Recommendation: The claim is denied.
Claims Form

To: United States Army Foreign Claims Commission.
From: Name: [Redacted]

Power of Attorney provided and interpreter approved: [Redacted]

Hometown: __________________________ [Redacted]

My claim arose at: Mukashka, Dab

My claim arose on: MAR 13 (Month) 2005 (City) (Country)

Proof of Ownership: Needs to bring Poo for Vehicle

Interpreter Approved: __________________________

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Has Copy - Will Bring in Original Next Visit. At time cannot read cause of death - well being internal

Interpreter Approved: __________________________

Legal Expert Opinion: Has Police Report Verifying Shooting & Death in Hospital

Interpreter Approved: __________________________

Witness Statement (Consistent?): __________________________

Interpreter Approved: __________________________

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 driving from Sennar to Tikrit. Convoy passed Claimant. Last vehicle shot at Claimant. Vehicle Claimant shot in Left Shoulder.

Convoy stopped. Contacted Iraqi Police. Police took Claimant to Tikrit Hospital. Died 3 days later at Hospital.

Claimant is Son of Deceased (Jasim Ismail Hussein)

Pictures show 2 rounds into Cab of Vehicle

Medical Rep. Entailed Help and - Shot in Body (Left Shoulder)

Evidence: __________________________
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>Wind/Dam major veh damage</td>
<td>$1200</td>
</tr>
<tr>
<td>Veh-veh damage</td>
<td>$3500</td>
</tr>
</tbody>
</table>

Total: $4700

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name) (Address)

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

$ 4700 local

(Stamp)

(Signature of Claimant)

Subscribed before me this 1st day of May, 2005.