



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

05 May 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of, [REDACTED] 05-IA5-680

1. Claimants name and address: [REDACTED], Baqubah, Iraq
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 20 March 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$ 9,000 on 27 April 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 vehicle.
5. Facts:
 - a. Claimant says he was driving his vehicle and U.S. forces shot his vehicle and killed the claimant's husband.
 - b. There were witness statements, pictures, and registration 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.

001416

CLAIMS FORM

To: United States Army Foreign Claims Commission

From: Name: [Redacted]

Address: _____

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)

The property damaged is owned by: _____

My claim arose at: Al Nsara (Town) Beled (City) Qad (Country)

My claim arose on: March (Month) 20 (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.)

to Clement was driving his vehicle and U.S. Forces shot his vehicle, and killed the clients husbands

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 [Redacted] when Driving</u>	

Total: 9,000

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

\$ 9,000 local _____

[Redacted Signature]
(Signature of Claimant)

Subscribed before me this 27 day of April, 2005.

[Redacted Name]
(Print Name)

[Redacted Signature]
(Signature)

001419