



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>rd</sup> BRIGADE COMBAT TEAM  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

19 June 2006

CP3AAS61490618-8  
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]  
(Claim Number 06-IR8-637)

1. On 23 March 2006, [REDACTED]'s brother [REDACTED] was shot and killed in an EOF near COB Speicher.
2. I certify that CERP funds are available to pay [REDACTED] in the amount of \$2,500. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$2,500 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

[REDACTED]  
CPT, EN  
Project Purchasing Officer

001428

6-1R8-637

### 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], - brother

Hometown: \_\_\_\_\_  Iraqi Resident: \_\_\_\_\_

My claim arose at: Tikrit - grid coord: [REDACTED]

My claim arose on: Mar 23 06 0530  
Month Day Year (Country)

Proof of Ownership: provided

VIN Match: \_\_\_\_\_

Interpreter Approved: match to chassis

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): [REDACTED], DOB not listed, guessed as 40s, Time of death = 0600, bullet to head

Interpreter Approved: \_\_\_\_\_

Medical Report/Legal Expert Opinion: \$9500 damage - including bullet holes, bullets to head, cab damage, loss of oil from tank

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 alleges that his brother was driving from Baiji to Tikrit (CF Convoy) traveling in opposite direction crossed over to his side and started shouting. Claimant's brother killed.

Shot in head Brother driving to gas truck. truck rolled over, b/c driver killed

Given claims document card by SSG [REDACTED] A Co 64th BSB 3 BCT 101 A/A

Damage to truck / loss of oil load

Evidence: Claims document card, POA, legal expert, POA, med report death cert.

Soldiers didn't say why they shot.

001429

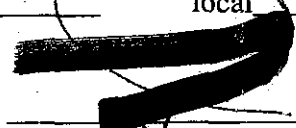
List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item	Amount
damage to truck	\$4500
oil in truck	\$5000
death of brother	\$5000

Total: \$14,500

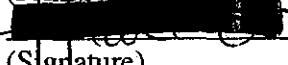
I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 14,500 local

  
(Signature of Claimant)

Subscribed before me this 23 day of Apr, 2006.

  
(Print Name)

  
(Signature)

6 128 637  
30 Apr 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 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[Redacted Signature]

CPT, JA  
Chief of Claims

001431



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101<sup>st</sup> AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

24 April 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 6-IR8-637

1. **Identifying Data:** [REDACTED], Tikrit, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 23 March 2006, in Tikrit, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$14,580 on 23 April 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 filed in a timely manner.
5. **Facts:** Claimant alleges that a Coalition Forces convoy was going the wrong way on the road and as his brother approached they fired upon his vehicle, killing him and causing the vehicle to roll. The claimant was given a claims card by SSG [REDACTED] after the incident. Upon talking to SSG [REDACTED] and his chain of command we were informed that the reason that they fired upon the claimant's brother is that he passed on the side of the road a check point where about 6 vehicles were already stopped, the unit used hand and voice signals to stop the vehicle but when he did not they fired 6 rounds disabling the vehicle and killing the driver. The unit said that the vehicle did not roll. The claimant provided death certificates, legal expert and witness statements to substantiate the claim.
6. **Opinion:** The evidence shows that the damage was caused by the claimant's own negligence or wrongdoing. This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]  
CPT, JA  
FCC

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