MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to (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.

CPT, EN
Project Purchasing Officer
### TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission  
From: Name:  
POA/ATT:  
P.O. Box,  

Power of Attorney provided and interpreter approved:  
Decedents:  
- brother  

<table>
<thead>
<tr>
<th>Hometown:</th>
<th>Iraqi Resident:</th>
</tr>
</thead>
</table>

My claim arose at: Tikrit  
Grid Coord:  

My claim arose on: March 23 (City)  
0530 (Country)  

Month Day Year  

Proof of Ownership: provided  
VIN Match:  
Interpreter Approved: match to chasis  

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):  
DDB not listed  
Time of Death:  

Interpreter Approved:  

Medical Report/Legal Expert Opinion:  
Damage:  

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 alleged that his brother was driving from Balad to Tikrit (in convoy traveling in opposite direction)  
Crossed over to his side and started shooting  
Claimant's brother killed  

Shot in head  
Brother driving gas truck  

Given claims document card by SSG  
4 Co 1st SSB 3 BCT 101st A  

Damage to truck/loss of oil loads  

Evidence:  
Claims document card  
POA  
Legal Expert  
POA, and report Death Cert.  

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.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>damage to truck</td>
<td>$15,000</td>
</tr>
<tr>
<td>oil in truck</td>
<td>$5,000</td>
</tr>
<tr>
<td>death of brother</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

Total: $14,500

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

$14,500

(Signature of Claimant)

Subscribed before me this 23 day of Apr, 2001.

(Signature)
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

001431
MEMORANDUM OF OPINION

SUBJECT: Claim of 6-IR8-637

1. Identifying Data: 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 SSC after the incident. Upon talking to SSC and his chain of command we were informed that the reason they fired upon the claimant's brother is that he passed on the side of the road a checkpoint 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.