MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of 05-J8-T583

1. Facts. Claimant states that her husband was killed by U.S. forces. Claimant’s explanation of events is inconsistent and changes under questioning. She claims that he was either killed in a vehicle accident resulting in a rollover or that he was shot by a passing convoy.

2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. In this case, neither version of claimant’s story can be confirmed and there is no evidence that U.S. forces are responsible for the death.


4. Action. The claim is denied.

[Signatures]
Claims Office

SUBJECT: Claim #05-IJ8-T583 / 330M

Mahmudiyah

Dear Claimant:

You have submitted a request for reconsideration of a claim seeking compensation for damages allegedly caused by U.S. Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code §2734, Army Regulation 27-20, and Department of the Army Pamphlet 27-162 Claims Procedures.

Allow me to express my sympathy for your loss, however, in accordance with the cited references and after further investigation of your claim, I find that your claim is not compensable. The claim was denied for the following reason(s):

Cannot verify that incident occurred.

This determination is final and is not subject to further appeal or reconsideration.

Sincerely,

[Signature]

Captain, Judge Advocate
Foreign Claims Commission IJ8
08-Oct-05

05-IJ8-T583 330M

Mahmudiyah

2734 10 162-27 20-27

Cannot confirm that U.S. forces caused accident.

20-27

Captain, U.S. Army
Foreign Claims Commission
MAHMDIYAH CLAIMS FORM

CLAIMANT INFORMATION

NAME: [redacted]
ADDRESS: [redacted]
OCCUPATION: [redacted]
ID#: [redacted]
CITIZENSHIP: IRAQ

INCIDENT INFORMATION

TYPE OF CLAIM: [redacted] Vehicle Accident () SAF () Raid () Detainee Property
Occupied Land () Other

LOCATION OF INCIDENT: YOUSIFIYA
DATE OF INCIDENT: 23 SEPTEMBER 05

DESCRIPTION OF INCIDENT:
- DRIVING ON JACKSON - HIT BY CONVOY AND VEHICLE ROLLED - KILLING THE DRIVER
- IP took husband to hospital. Husband's brother saw accident

UNIT INVOLVED:

CLAIM INFORMATION

OWNER OF PROPERTY: deceased's wife
BREAKDOWN OF CLAIM: husband: $20,000
vehicle: $10,000
TOTAL AMOUNT CLAIMED: $30,000
INSURED?: Y/N
AMOUNT:

CLAIMANT ATTESTATION

HAS CLAIM BEEN FILED BEFORE?: Y/N
LOCATION AND OUTCOME:

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

(DATE) [signature]

(Signature of Claimant) [signature] 001492