



DEPARTMENT OF THE ARMY  
Headquarters, 3<sup>rd</sup> Brigade Combat Team  
3<sup>rd</sup> Infantry Division  
FOB Warhorse, Iraq  
APO AE 09397

REPLY TO  
ATTENTION OF:

AFZP-VI-JA

16 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA5-688 (recon)

1. Claimants name and address: [REDACTED], Baqubah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred 11 February 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$15,000.00 on 27 April and filed a reconsideration on 11 August 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 compensation for the death of her husband.
5. Claimant's Allegations: Claimant states that U.S. forces wrongfully killed her husband. The claimant had witness statements and photographs included with the claim.
6. Investigator's Opinion:
  - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
  - b. The death of [REDACTED] was combat related and can not be paid under the FCA.
7. Recommended Action: This claim is not payable under the FCA. This claim for \$15,000 is denied.

[REDACTED]  
[REDACTED]  
[REDACTED] S  
CPT, JA  
Claims Judge Advocate

001617



**DEPARTMENT OF THE ARMY**  
Headquarters, 3<sup>rd</sup> Brigade Combat Team  
3<sup>rd</sup> Infantry Division  
FOB Warhorse, Iraq  
APO AE 09397

**REPLY TO  
ATTENTION OF:**

AFZP-VI-JA

11 May 2005

**MEMORANDUM OF OPINION**

**SUBJECT:** Claim of [REDACTED], 05-IA5-688

1. Claimants name and address: [REDACTED], Baqubah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 11 February 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$15,000.00 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 the death of the claimant's husband.
5. Claimant's Allegations:
  - a. The claimant alleges that her husband was shot and injured while he was at the Diyala Police Station. Since the incident, her husband has be subsequently killed by insurgent forces.
  - b. There were witness statements included in the submitted claim.
6. Investigator's Opinion:
  - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

001618

AFZP-VI-JA

SUBJECT: Claim of [REDACTED], 05-IA5-688

- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph c.
  - c. The research conducted pertaining to this claim reveals that no activity of this type happened on the date in question. The claim investigator spoke to personnel working at the JCC where the incident is alleged to have occurred. No person working there had any recollection of an incident of this type. Additionally, there was no Sigact or Green 1 reported to the Brigade with this type of incident included.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$15,000 is disapproved.

[REDACTED]  
[REDACTED]  
[REDACTED]  
CPT, JA  
Claims Judge Advocate



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3D BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION  
FORWARD OPERATING BASE WARHORSE, IRAQ  
APO AF 09397

REPLY TO  
ATTENTION OF

Dear Iraqi Citizen,

Your request for compensation has been reviewed by the Commander. Unfortunately, every claim can not be approved. Please accept our humble apologies, as we are unable to provide compensation for your claim at this time. I wish you and your family peace and prosperity in the coming months. I ask that you continue to support your government and its security forces as they fight to secure a better future for Iraq.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] S  
Captain, US Army  
Claims Judge Advocate

001620

CLAIMS FORM

To: United States Army Foreign Claims Commission

From: Name: [Redacted]

Address: [Redacted]

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: Bayzala Blad \_\_\_\_\_  
(Town) (City) (Country)

My claim arose on: Feb 11 2005  
Month Day 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.)

Clement's husband was shot and killed by U.S. Forces while he was walking by the Rigala mp station

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 husband</u>	

Total: 15,000

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

\$ 15,000 local \_\_\_\_\_

[Redacted Signature]  
(Signature of Claimant)

Subscribed before me this 28 day of April, 2005.

[Redacted Name]  
(Print Name)

[Redacted Signature]  
(Signature)

001621