





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 June 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA5-923a

1. Claimants name and address: [REDACTED], Baqubah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 14 January 2005 in Al-Muqdadiyah, Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$7,000.00 on 9 June 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 sustained to claimant's personal injuries.
5. Claimant's Allegations:
  - a. Claimant states that her son was riding on a bus when CF hit the vehicle.
  - b. Due to accident claimant's son was killed.
  - c. There were witness statements, pictures, and death certificate submitted in the 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 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.

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- b. There is sufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces.
  - c. Based on the investigation and research, there was a report that verified that the accident occurred. Death of claimant's brother is estimated at \$6,000.00.
7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$6,000.00 is approved.

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

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: Al Myyadajah  
(Town) (City) (Country)

My claim arose on: Jan 14th 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.)

related to OS-IAS 922

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>Medical</u>	

Total: 7,000

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

\$ 7,000 local \_\_\_\_\_

[Signature]  
(Signature of Claimant)

Subscribed before me this 9 day of June, 2005.

[Redacted]  
(Print Name)

[Redacted]  
(Signature)

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