



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

1 May 2006

CP3AAS60940401-8  
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]  
(Claim Number 06-IR8-503)

1. On 12 November 2005, [REDACTED] s wife, [REDACTED] was shot and killed as he approached a Coalition Forces convoy in his vehicle while taking her to the hospital.
2. I certify that CERP funds are available to pay [REDACTED] in the amount of \$2,500.00. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$2,500.00 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

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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

REPLY TO  
ATTENTION OF

AFZB-JA-C

04 April 2006

MEMORANDUM OF OPINION

SUBJECT: [REDACTED] 06-IR8-503

1. **Identifying Data:** [REDACTED] by [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 12 November 2005, in Balad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$5,000 on 28 March 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 properly filed in a timely manner.
5. **Facts:** The Claimant alleges that while he was taking his wife to the hospital at 0200 hrs when he approached a CF convoy. Claimant alleges that even though he pulled over, CF shot at his car and killed his wife. The Claimant also alleges that CF apologized to him after the incident. According to the SIGACT, CF followed appropriate escalation of force protocols when the Claimant's vehicle entered the CF convoy's lane. The SIGACT reported that one local national was killed as a result of the escalation of force.
6. **Opinion:** Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, CF actions constitute combat activity and thus precludes compensation.
7. **Recommendation:** The claim is denied.

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

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6-IR8-503  
4/11/06



**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]  
CPT, JA  
Chief of Claims

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# TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: \_\_\_\_\_

POA/ATT: \_\_\_\_\_

Power of Attorney provided and interpreter approved: match

Decedents: \_\_\_\_\_

Hometown: \_\_\_\_\_

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

My claim arose at: Balad / Alisahoki / Balad main station  
(Town) (City) (Country)

My claim arose on: NOV 12 05  
Month Day Year

Proof of Ownership: \_\_\_\_\_

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

Interpreter Approved: NA

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Cause of Death / bullet in the face of the wife

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

Medical Report/Legal Expert Opinion: one bullet in the face of the wife

Interpreter Approved: match

Witness Statement (Consistent?): 1 brother w-2 brother of the wife

Interpreter Approved: match / saying same story

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 took his wife to hospital @ 02:00, he  
found a C.F. convoy and he stopped at once but C.F  
shot @ his car and bullet and killed his wife, they  
came and talked to him and told him we are so sorry.  
(Decedent was pregnant)

Kia pick up / blue

1997

02:00

claimant is the cousin of the attorney

Evidence: photo / Death C. / witness /

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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
\$5,000 for Dead wife and Dead baby	

Total: \$5,000

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

\$ 5,000 local

[Redacted Signature]

(Signature of Claimant)

Subscribed before me this 28 day of March, 2006.

[Redacted Name]

(Print Name)

(Signature)