MEMORANDUM OF OPINION

SUBJECT: Claim of 05-IA3-1213

1. Identifying Data: Tikrit, Iraq

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 18 April 2005, in Tikrit, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for $2,500 on 4 June 2005.

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 U.S. Forces shot and killed his son. Claimant’s son was driving from Bayji to Tikrit, when he was shot by a U.S. Forces convoy driving in the other direction. He was shot in the abdomen and groin. A second convoy, following the first, stopped and administered first aid. Than an Iraqi ambulance took him to the hospital, where he died. The claimant provided two corroborating witness statements, medical records, a death certificate and a police report.

6. Opinion: There is sufficient evidence to indicate that U.S. Forces killed the claimant’s son. However, those forces were involved in security operations at the time. Therefore, this case falls within the combat exception.

7. Recommendation: The claim is denied.

CPT, JA
Chief, Claims
To: United States Army Foreign Claims Commission.

From: [Name redacted]

POA/ALT: [Name redacted]

Power of Attorney provided and interpreter approved: [Name redacted]

Decedents: [Name redacted]

Hometown: [Name redacted] Iraqi Resident:

My claim arose at: Tikrit Tikrit Iraq

(Town) (City) (Country)

My claim arose on: APR 18 2005

Month Day Year

Proof of Ownership: Volkswagen Passat -1988 -White

Interpreter Approved: [Name redacted]

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):

Name: [Name redacted] - Many Bullets to body. Died 19 April

Interpreter Approved: [Name redacted]

Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?): Consistent Statements

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.)

[Written statement:]

Evidence: Statements & Statement by Insured.
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>Wrongful Death</td>
<td>7,500</td>
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</table>

Total: $2,500

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name) (Address)

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

$ 1,500 local

(Signature of Claimant)

Subscribed before me this 4th day of June, 2005.

(Print Name) (Signature)