

# HEADQUARTERS MULTI-NATIONAL CORPS – IRAQ BAGHDAD, IRAQ APO AE 09342

REPLY TO ATTENTION OF:

**FCC 109** 

10 December 2005

CLAIM OF:

CLAIM NUMBER: 06-IO9-T0002

Dear Sir or Ma'am:

This notice constitutes final administrative action on your claim against the United States.

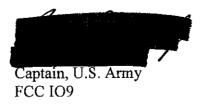
Foreign Claims Commission (FCC) IO9 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The Federal Tort Claims Act, Title 28, United States Code, Section 2680(k), is not applicable as it excludes claims arising in foreign countries. Under the FCA, a claim for death or personal injury may be allowed whether or not the negligent act complained of was made within the scope of employment.

FCC IO9 has reviewed all of the evidence given and has investigated this claim to the best of its ability considering the information presented.

Unfortunately your claim has been denied. The FCA does not permit the payment of claims arising from the actions of service members unless such actions were either negligent or wrongful. However, in your claim you have been unable to substantiate that the US forces acted either negligently or wrongfully and accordingly your claim is denied.

If you are dissatisfied by this action, AR 27-20 provides that you may request that the decision be reconsidered. Any such request must be forwarded to this office for FCC consideration. There is no prescribed format for such a request. However, it should describe the legal and/or factual basis for relief. Any request for reconsideration must be made, in writing, within 30 days of receipt of this letter.

The FCC's action on reconsideration is final and conclusive by law.



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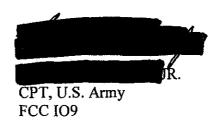
REPLY TO ATTENTION OF:

FICI-JA

Claim of 06-IO9-T0002

#### **ACTION**

- 1. <u>Facts</u>: The claimant alleges that on 19 July 2005, her son was a driver that transports passengers between Baghdad and Jordan. Coalition troops appeared suddenly in front of his vehicle and shot two rounds at him, one in the left side and the other in the neck. He died due to the fatal shot in the neck. The amount requested for this claim is \$7,000.
- 2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. The claimant provided no evidence that the US committed a negligent or wrongful act.
- 3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action: The claim is therefore denied.



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### UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date:
II. FROM: Name (English):
Name (Arabic)
(a) Circle one: Claimant / Attorney/ Authorized representative Parent Brother/Sister/ Son/Daughter
→ [Attorney or representative MUST attach proof of authorization.] Other:
(b) IRAQI IDENTIFICATION NUMBER:
(c) DETAINEE IDENTIFICATION NUMBER:
III. ADDRESS of person filing claim:
(English):
(Arabic):
IV. HOME OR CELL PHONE NUMBER:
(a) I, the above named claimant/attorney/representative, certify that I (or the person on whose behalf I am
making this claim) am a resident of
by the following military unit:
(c)The property damaged is owned by: her dead Son
(d) The incident happened on july 19.2005 at East of Rutha
(Date) (city/town/neighborhood/highway name & number)
V. The facts of the incident are as follows: Eccarcing to her speech her
Son was driving a driver in one of the GMC: that
transfer the passengers between Baghdad and Jordan
and her son was shooted by a Coalition troop appear
Suddenly infront of his Car, they Shoot him two
rounds one of them in the left side the other
in the neck and that ausentia was a fatal
shoot, they transfer his to a U.S base and then
to Al-Rutha Hospital to take his body.
He was single and the main supporter to his
mother and two single sisters

[Use back of sheet if needed. Be sure to include any photographs, statements from witnesses, documents proving ownership of damaged or destroyed property, death certificates, medical bills and repair estimates.]

### UNITED STATES ARMED FORCES CLAIMS FORM

ITEM	PRICE
Death of her Son	
a) I had insurance for the following:	TOTAL \$ 7,000
b) My insurer is:	
VII. My total claim in U.S. Dollars against the United States Government and in ***CLAIM WILL NOT BE VALID IF US DOLLAR A	Iraqi Dinars is:
This is my total claim resulting from this incident. I understand t	hat if I account a gottlement of this claim
that I will not receive any other money for this incident. I also unchave the opportunity to appeal the decision but will likely need to	lerstand that if my claim is denied, I will
that I will not receive any other money for this incident. I also unchave the opportunity to appeal the decision but will likely need to my claim approved.  (Sig	lerstand that if my claim is denied, I will provide new evidence in order to have nature of Claimant)
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