



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

REPLY TO
ATTENTION OF:

FCC IG1

19 November 2005

CLAIM OF: [REDACTED]
CLAIM NUMBER: 05-IG1-T0658

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IG1 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 IG1 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. This claim was determined to be a combat action.

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.

[REDACTED]
Captain, U.S. Army
FCC IG1

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001708



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

REPLY TO
ATTENTION OF:

FICI-JA

Claim of [REDACTED], 05-IG1-T0658

ACTION

1. Facts: The claimant alleges that on 27 January 2005, his son, [REDACTED] drove his Kia bus, with 11 passengers, towards the Syrian border when a US convoy shot at him and struck him with four bullets in the neck. The amount requested for this claim is unspecified.
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. This claim was determined to be a combat action.
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.



CPT, U.S. Army
FCC IG1

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UNITED STATES ARMED FORCES CLAIMS FORM

I. (FO): 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 Iraq

(b) I hereby make a claim against the UNITED STATES GOVERNMENT for damages or injuries caused by the following military unit:

(c) The property damaged is owned by: Ms. Son

(d) The incident happened on Jan. 23, 2005 at Ramadi - Al Farashiyah

(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: As he said, his dad son

was driving his car (kia, bus, 1993, grey (silver)) in Al-Ramadi, there were U.S. convey belong to U.S base in Al-Ramadi, in front of him and another convey behind him, in this kia there were (11) passengers most of them were women towards Syria borders. The U.S forces shoot him with 4 bullets in his neck. The U.S forces took him to a U.S base in Al-Ramadi and to Ibn-Sina he did not get any claim card because they thought that he was alive and that what the U.S officer thought in Al-Ramadi base. Because of the hard situation in Al-Ramadi he didn't get any claim card.

[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

VI. The following is a detailed list of what was damaged or destroyed and the estimates for repair if damaged and replacement if destroyed:

ITEM	PRICE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL	

(a) I had insurance for the following: _____

(b) My insurer is: _____

VII. My total claim in U.S. Dollars against the United States Government is: \$ _____
and in Iraqi Dinars is: _____

CLAIM WILL NOT BE VALID IF US DOLLAR AMOUNT IS LEFT BLANK

This is my total claim resulting from this incident. I understand that if I accept a settlement of this claim that I will not receive any other money for this incident. I also understand that if my claim is denied, I will have the opportunity to appeal the decision but will likely need to provide new evidence in order to have my claim approved.

(Signature of Claimant)

CLAIM WILL NOT BE VALID IF SIGNATURE IS LEFT BLANK

The claimant was assisted in completing this claim form by:

(Name) _____

(Contact Information: e-mail, address, DSN/DNVT, etc.) _____

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