(b)(3)(b)(6)

(b)(6)

CENTCOM 010614

07-I92-T066-00002

(61)

07-I92-T066

(b)(3)(b)(6)

DENIAL CLAIM FILE CHECKLIST

(b)(3)(b)(6)

- [x] Action Memo Denying the Claim
- [x] Decision Memo
- [x] Claim Summary Sheet
- [x] Supporting Documents (ID Card, Ownership, Statements, etc.)

13 MAR 08

SGT

(b)(3)(b)(6)

CLAIMS CHECKLIST

CLAIM NUMBER:

AMOUNT OF CLAIM: $?

CLAIMANT'S NAME: (b)(6)

DATE OF INCIDENT: 16 Jan 05 **DATE FILED:** 8 may 07 **DATE RECEIVED:**

CLAIM TYPE:

- ☐ Vehicle Damage
- ☐ Detainee Property
- ☐ Damage During Raids
- ☐ SAF Damage/Injury
- ☐ Real Estate
- ☑ Other Death

CLAIM AROSE FROM:

- ☑ Combat Activities
- ☐ Non-combat Activities

CLAIM IS:

- ☐ Payable
- ☑ Not Payable

BRIEF OVERVIEW:

Claimant states her husband was shot ~~in a~~ when he got in the middle of a fire fight w/ us and insurgents.

REMARKS:

Recommend Approval/ Denial no proof of us involvement Combat activity

REVIEWED BY: SGT (b)(3)(b)(6) **DATE REVIEWED:** 20 APR 07

FCC COMMENTS

Deny - Combat Activity More than two years old.

DATE APPROVED/ DENIED: 24 MAY 07

☒ **DENIED**

- ☐ Denial Memo

☐ **APPROVED**

- ☐ Amount Approved:_____
- ☐ Approval Memo
- ☐ Settlement Agreement
- ☐ SF 1034
- ☐ Disbursing Officer Memo

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION–BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

June 13, 2007

4th Infantry Brigade Combat Team Legal Office

(b)(3)(b)(6)
Claim #07-I92-T066
Baghdad, Iraq

Dear Sir:

You have submitted a claim seeking compensation for the death of your husband that occurred on 16 January 2005. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within thirty (30) days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

(b)(3)(b)(6)

Captain, U.S. Army
Foreign Claims Commission I92

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC Claim of (b)(3)(b)(6) , 07-I92-T066

ACTION

1. Facts: The claimant alleges that on 16 January 2005, Her husband was caught in the cross fire between AIF and American forces and killed.

2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.

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.

(b)(3)(b)(6)

CPT, JA
FCC I92

Foreign Language Text, (b)(6)

Claims Form
طلب تظلم

Name: (b)(6) الأسم:

Address: (b)(6) العنوان:

I am

أنا

a. A national citizen of: Iraq أ. أحمل جنسية:

b. A permanent resident of: Above address ب. عنوانى الدائم:

c. Employed by: / ت: أعمل لدي:

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, and Telephone Number)

No write

أننى أتظلم لدي حكومى الولايات المتحدة للأضرار والإصابات التى نجمت من:(المنظمة , الوحدة العسكرية)

/

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

الممتلكات المتضررة مملوكة من: (إذا كان هذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء أحطار المستمسكات التى تخولكم وتوكلكم للتقدم بهذا التظلم ، أو أي دليل من ممثلين رسميين.
إملأ التظلم بالأسفل للأفراد المتقدمين بالشكوي للإصابات أو الأضرار التى أصابتهم.)

Her husband was killed

My claim arose at: _____
(Town) (City) (Country)

تظلمى قدم فى: القرية المدينة البلد أو المحافظة

(b)(6)

My claim arose on: Jan 16 2005
Month Day Year

تظلمي قدم في: /
الس يوم شهر

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.)
She said that on 1/16/05. Her husband was coming out Driving the restuvant vehicle. when he was passing under Almahaea bridge at Aldura area - during that Time there were fiting

باختصار أشرح ما حدث والأضرار التي أصابتك جراء ذلك ، سواء كانت جسدية أو ممتلكات . (الرجاء استعمال خلفية هذه الورقة إن لم تكن الأسطر لتكفي)
between the terrorist and amerian Army and Iraq forces. he got shot on his - shoulder and head and he died. now she asking about for compensation

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
for Death.

Total:

أشرح بالتفصيل متي تضرر والكلفة للممتلكات أو للإصابات الجسدية وتكلفتها (الرجاء أضافة الثبوتات والممتمسكات والفواتير الضرورية لكل شئ لوحدة)

الشئ المتضرر تكلفته

إجمالي التكلفة:

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

NO INSURANCE

لدي تأمين على الممتلكات أو الضرر الجسدى المتضرر بما يوازي:

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

$_____ In Language _____ I.D._____ Langua

أطالب بتعويض للأضرار يوازي (أكتب بالدولار الأمريكى أو العملة المحلية)

$_____ العملة المحلية _____

I (have/ have not) previously filed a claim relating to the incident described above.

سابقاً (قمت) (لم أقم) بتقديم بلاغ لهذه الحادثة المذكورة بالأعلى

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

لحسن علمى طلب تظلم (قدم) (لم يقدم) لهذه الحادثة المذكورة بالأعلى

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

ملاحظة: بالتوقيع أسفل هذا التظلم فأن تقسم على أن كل المعلومات المقدمة فى هذا التظلم هى صحيحة وحقيقية . أي شخص يحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم ضدحكومة الولايات لمتحدة الأمريكية سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات .

_____
(Signature of Claimant)
(توقيع التظلم) الرجاء كتابة الأسم والتوقيع

Subscribed to me this 3 day of May, 2007.

_____
(Signature of Witness)

_____
(Printed Name)

Foreign Language Text

(b)(6), Foreign Language Text

(b)(6)

The wife of the victim said
She never take any Money from any
Side.

Foreign Language Text, (b)(6)

(b)(6)

(b)(6)

The report indicate that the name of the victim was [redacted] he is Iraq, was born in [redacted] he was got a shot on his shoulder face, head

(b)(6), Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

(b)(6), Foreign Language Text

The statement of claimant-

Her husband was got ashot while there were fitting between the Terrorist and American forces and Iraq forces To.

(b)(6), Foreign Language Text

Same statement

Foreign Language Text, (b)(6)

é police exam
body and send the
report to the judge.

Foreign Language Text, (b)(6)

n Language Text

Foreign Language Text, (b)(6)

the statement of the informer

he said while the victim intend to go his work he find shooting between terrorist and american forces and Iraq forces too - he got ashot and dead -

Foreign Language Text, (b)(6)

Same informer -

statement

Foreign Language Text

Foreign Language Text, (b)(6)

The police check the body

(b)(6)

(b)(6), Foreign Language Text

The Hospital report
confirm that the victim
was shot by american forces

Foreign Language Text

9

Foreign Language Text, (b)(6)

victim side - her statement
show that her husband was
killed by shot.

Foreign Language Text, (b)(6)

Death certificate from the ministry of
the health.

Foreign Language Text, (b)(6)

This form from ...
RA.C for compensation

Foreign Language Text

Foreign Language Text

This report from the Cpar indicated that the vic .angu ids .angu

(b)(6)

Foreign Language Text, (b)(6)

Page 26 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
(b)(6), Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

To the mayorty of Baghdad
She ask him about compensation
because her husband was
killed

Page 28 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
(b)(6), Foreign Language Text