5-IA3-1240

57

42nd ID Foreign Claims Cover Sheet

PI)
1500
26Jul05

File #: 5-IA3-1240

Name: (b)(6)

POA/ATT (b)(6)

Date Received: 11 June 05 Date of Incident: 20 May 05.

Claim Amount: $3000 Location: Bayji.

Translation:

Further Investigation:
Check SIGACTS
Review death certificate
> return 21 June 05

Contact S-2 ☐ Check Sigacts ☒ Incident not listed (b)(3)(b)(6) 13 JUN

☐ Approved: ☒ Denied: 17 JUNE 05 (PT (b)(3)(b)(6)
Car shoal

☒ Goodwill Payment recommended ?
☒ Approved $2500.00 12Jul05 ☒ Denied ~~[illegible]~~ (b)(3)(b)(6)

☐ Further investigation for GWP needed

CHECKLIST

1. Claim received _____
2. File sent to translator _____
3. File received from translator _____
4. SIGACTS check done _____
5. Conferred with S-2 _____
6. Claimant informed of decision _____
7. Appeal completed _____
8. Claimant paid _____
9. Claimant denied _____
10. File sent to USARCS _____

11. Claimant visitation history

_____
_____
_____
_____
_____
_____
_____

DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA 17 June 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(3)(b)(6) 05-IA3-1240

1. **Identifying Data:** (b)(3)(b)(6) Bayji, Iraq

2. **Date and place the incident occurred giving rise to the claim**: The claim occurred on 20 May 2005, in Bayji, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for $3,000 on 11 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 that his son was wrongfully killed by U.S. Forces. The claimant was driving with his son near the Bayji market. U.S. Forces and Iraqi Police arrived at the market and allegedly started shooting randomly. The claimant's son was shot in the head. The claimant took him to the hospital, but he died. The claimant provided two corroborating witness statements, medical records, a death certificate and a scene sketch. The incident could not be verified through division records.

6. **Opinion:** There is some evidence to indicate that U.S. Forces shot and killed the claimant's son. Unfortunately, those forces were involved in security operations at the time. Therefore, this case falls within the combat exception.

7. **Recommendation:** The claim is denied.

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

CPT, JA
Chief, Claims

DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

5 Jul 05

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 proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.

4. POC is the Tikrit Claims Office at DNVT (b)(2)High .

For: (b)(3)(b)(6)

CPT, JA
Foreign Claims Commissioner

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: (b)(6) (mother)

POA/ATT: (b)(6)

☑ Power of Attorney provided and interpreter approved: Good

Decedents: (b)(6) (Son)

Hometown: ☐ Iraqi Resident:

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

My claim arose on: May 20 2005
Month Day Year

Proof of Ownership:

☐ Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Age: born (b)(6), DOD 20 May 2005 Cause: bullet to head/left eye

☐ Interpreter Approved:

Legal Expert Opinion:

☐ Interpreter Approved:

Witness Statement (Consistent?): ① father (w/dec), ② bystander, ③ bystander

☐ 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.)

not an eyewitness

husband + son driving near market @ Bayji. Coalition forces + IP came to market, started shooting in main street.

father stm: driving w/son in vehicle Am convoy began to shoot, son shot in head & and taken by father to hospital but died at hospital. All claim random shootings.

Son: DOB: (b)(6)

Evidence: police sketch, death certificate, hosp documentation

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

Total: $3000

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 dama [illegible] currency)
$ 3000

(b)(6)

(Signature of Claimant)

Subscribed before me this 11 day of June, 2005

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

(Si

Pages 8 through 9 redacted for the following reasons:
- -
Foreign Language Text, (b)(6)

Death Certificate. Original Seen

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 12 through 14 redacted for the following reasons:
- -
Foreign Language Text, (b)(6)

D

N1 to IP.

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

to Judge.

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

(0)

W.2 to IP.

Foreign Language Text

Foreign Language Text, (b)(6)

to Judge.

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Illegible Text, Nonresponsive

Foreign Language Text, (b)(6)

Father State. in front of Judge.

Foreign Language Text, (b)(6)

Page 22 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Foreign Language Text, (b)(6)