5-103-1735

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

Signer (b)(2)High TF 1-103 engaged a LN vehicle that failed to yield to patrol! Driver minor lacerations to the face. 150 stitches then released to IPs

CENTCOM 000432

01 Nov 05
5-IA3-1735

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3D INFANTRY DIVISION (FORWARD)
TASK FORCE LIBERTY, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

DHFT-JA

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

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

(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

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

DHFT-JA 11 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 05-IA3-1785

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

2. **Date and place the incident occurred giving rise to the claim**: The claim occurred on 10 June 2005, in Bayji, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for $4,000 on 2 September 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 her husband was wrongfully killed by U.S. Forces. The claimant's husband, father and two brothers drove from Bayji to Haditha. A U.S. Forces patrol pulled off on the side of the road ahead of them. As they approached the patrol the soldiers opened fire, shooting her husband and one of his brothers. The U.S. soldiers came to the vehicle and removed the injured occupants, to take them to a U.S. base. The claimant's husband died along the way. The patrol was rerouted to an Iraqi hospital, with the two casualties. The claimant provided three corroborating witness statements, a death certificate and a police report with a scene sketch. Division records reported a similar incident in this area, but that incident only resulted in minor injuries to the driver.

6. **Opinion:** There is some evidence that U.S. Forces killed the claimant's son, however those forces were involved in security operations at the time, so this claim is barred by the combat exception.

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

(b)(3), b(6)

CPT, JA
Chief, Claims

Claims Form

To: United States Army Foreign Claims Commission
From: Name: (b)(6) (wife)
POA/ATT: (b)(6)
☒ Power of Attorney provided and interpreter approved: Verified by Ahmed Husband
Decedents: (b)(6) (b)(6)

Hometown: Bayji ☒ Iraqi Resident:

My claim arose at: Bayji (Town) (City) IRAQ (Country) - on the Highway (1800)

My claim arose on: JAN (Month) 10th (Day) 2005 (Year)

Proof of Ownership: (b)(6) Red Toyota Super
☐ Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Decedent, Bullet to head destroying skull, (b)(6) YOA, DTD 10 JUN 05
☒ Interpreter Approved:

Legal Expert Opinion: - Went to IP next day - they investigated -
☐ Interpreter Approved: Shooting by CFORCES

Witness Statement (Consistent?): 3 Statements Consistent w/ Story
☒ 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.)

Decedent fathers & 2 brothers in vehicle driving from Bayji to Haditha. Group of HMMWV's off the road on the right side. When vehicle approached HMMWV's the soldiers began shooting.
- (b)(6) was killed & 1 brother shot in the head.
- After shooting vehicle stopped. 4 HMMWV's came to vehicle. Soldiers took (b)(6) & father in HMMWV to base nearby in one HMMWV. (b)(6) died on the way.
- Brothers took other injured party to Iraqi hospital.
- After arriving at base soldiers got out & spoke w/ officer then took the two to the Iraqi Hospital

Evidence:

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
Wrongful Death	$4000

Total: $4000

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)

$ 4000 local

(b)(6)

)

Subscribed before me this 3rd day of Sep, 2005.

SGT (b)(3), b(6)

(Print Name)

(b)(3), b(6)

(Signature)

Pages 7 through 15 redacted for the following reasons:
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foreign language, b(6)
foreign language, b(6), Illegible Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Page 17 redacted for the following reason:
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foreign language, b(6), Illegible Text

W to Judge

Foreign Language Text, (b)(6)

Page 19 redacted for the following reason:
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W to 3 vase

Foreign Language Text

Foreign Language Text, (b)(6)

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Foreign Language Text

Foreign Language Text, (b)(6)

Page 23 redacted for the following reason:
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W/ID

Foreign Language Text

Foreign Language Text, (b)(6)

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foreign language, b(6), Illegible Text

Foreign Language Text, (b)(6)

Not Original

(b)(6)

Pages 28 through 29 redacted for the following reasons:
- -
foreign language, b(6)

Mrs - Father:

Foreign Language Text

Foreign Language Text, (b)(6)