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CLAIM NUMBER: 05-IA5- 619

DATE	REMARKS	INITIALS
	A US Tank Collided with	
	A civilian vehicle. Carry 16 passengers	
	It happened early in the morning.	
13 Apr	It killed 8 people one of the	b(3),(b)(6)
	Passengers who died was the	
	claimant's father. Pictures are	
	Graphic.	
19 Apr	B 1/123 reports accident	
	Approve for \$12,000	b(3),(b)(6)
19 Apr	Approve \$12,000	b(3),(b)(6)

KKC - PFC (b)(3),(b)(6) MRW - SSG (b)(3),(b)(6) RAR - CPT (b)(3),(b)(6)



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

21 April 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 05-IA5-619

1. Claimants name and address: (b)(6) Baqubah, Iraq
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 14 Jan 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$ 12,000 on 13 April 2005
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for damages to vehicle and compensation for father's death.
5. Facts:
 - a. Claimant states that a U.S. tank got into an accident with a civilian vehicle. The accident caused 8 passengers to die and one of the passengers were the claimant's driver.
 - b. There were witness statements and pictures included in the submitted claim.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

CENTCOM 000748

AFZP-VI-JA

SUBJECT: Claim of (b)(3),(b)(6) 05-IA5-619

- b. There is sufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Based on the facts and circumstances, there was a tank that caused the accident and the death of the claimant's father.
7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$12,000 is approved.

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

CPT, JA
Claims Judge Advocate

PAYMENT REPORT

TO: DFAS, DSSN: (b)(2)High _____ Date: _____

A. Payment Data:

- (1) Submitting Agency/Office: United States Army Claims Service
- (2) Office Code: IA5
- (3) Agency/Office Mailing Address: _____
- (4) Date Claim Filed: 13 April 2005
- (5) Claim Number(s): 05-IA5-619
- (6) Amount Claimed: \$12,000
- (7) Fund Cite: _____ (b)(2)High
- (8) Payee(s): _____ (b)(6)
- (9) Address: Al Muqdadiah, Iraq
- (10) SSN: None.
- (11) Payment Amount: \$12,000
- (12) Type Payment: PF _____
- (13) For EFT Payments: ABA Routing Number: _____
- (14) For EFT Payment: Account Name and Number: _____
- (15) For EFT Payment: Name and Address of financial institution: _____
- (16) For EFT Payment: Account is (checking) (savings) (Circle appropriate account).

B. ACCEPTANCE BY CLAIMANT (Note: This form should not be signed by the claimant if another release is signed by the claimant is attached.)

I, the claimant, do hereby accept the within -stated award, compromise, or settlement as final and conclusive on my heirs, executors, administrators or assigns, and agree that said acceptance constitutes a complete release by me, my heirs, executors, administrators or assigns of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising now or in the future from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries (including wrongful death), damages to property, breaches of contract or law, and any other acts or omissions, and the consequences therefore resulting, and to result, from the same subject matter that gave rise to the claim for which I or my heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States and against the employee(s) of the Government whose acts or omissions gave rise to the claim by reason of the same subject matter. I further agree to reimburse, indemnify and hold harmless the United States, its agents, servants and employees from any and all claims or causes of action, including wrongful deaths, that arise from the same subject matter.

Date: 7 May 05 _____ (b)(6) _____ (Claimant)

C. AGENCY CERTIFYING OFFICER:

Pursuant to authority vested in me, I certify that this Payment Report is correct and proper for payment.

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

21 Apr 05 _____ FCC
(Date) (Signature Authorized Certifying Officer) Title

Date Payment Recorded in Claim Record: _____

A separate payment report must be completed for each claimant

Privacy Act Statement

The information is required in accordance with 31 U.S.C. 1304. The data you furnish will be used to certify your claim for payment. Failure to provide this information may result in your claim not being processed for payment.

CLAIMS FORM

OS-FAS-619

To: United States Army Foreign Claims Commission.

From: Name: (b)(6) Lawyer - (b)(6)
Address: _____

I am

- a. A citizen and national of: _____
- b. A permanent resident of: _____

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

C.F.

The property damaged is owned by: _____

My claim arose at: Almydagh, Iraq Shukreen Village (Town) (City) (Country)

My claim arose on: Jan 14 2005 (Month) (Day) (Year)

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.)

A U.S. Tank got into an accident with a civilian vehicle which had 16 passengers in the car. The accident caused 8 passengers to die. Passenger was claimant's father

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
Received	
Father's death	
- vehicle destroyed	

Total: 12,000

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

\$ 12,000 local _____

(b)(6)

(Signature of Claimant)

Subscribed before me this 13 day of April, 2005.

(P) (b)(3),(b)(6)
(S)

With the of god the mercy the most merciful

Subject / an exchanged order

In 14 – 1 -2005 at 6:45 o'clock in the morning my father's car had shocked with an the American vehicle and my father had died with other seven persons and with eight other person had been injured and my father's can had been destroyed completely and it had no benefite but only amuch of of iron and it had you must know that my father was driving very slowly in his car and did the traffic rule and he was driving in his right side and when he sa the American troops he got out the street but the big false of American troops made what had happened and did what had done and you know that my father was moving workerse from mansourayit al – jabal to ai – mugdadia to work one of the farms in al – mugdadia in adaily wage to their families living but this accident had had happened which made even birds crying and had destroyed the rejoin citizens hearts and even the American troops that made one of them crying according to one of the injured witnesswho saw with his ehse what had happened so for all that I get to your office (American exchange members) and I complain and order to exchange me for my father death and the distruction of his car completely and this is asmall human rights and my order is according to the following reasons:-

CENTCOM 000753

AL-SUDOOR POLICE CENTER
8/2/2005

The sayings of whom had the personal right (b)(6)
whose brith was (b)(6) , her work was (b)(6) who lives in
Mansooriy at Al-Jabal,she swared and said thefollowing :-

The dead person (b)(6) was my husband and I had no sayings
about the accident in 14/1/2005 ,and he worked arider in his owned car
,small caster which its number is (b)(6) that he got out to work and to
remove the workers from mansooriy at Al-Jabd to AL—mugdadia and
then the citizen of my rejoin told me that my Husband had he died and I
comlain to you to reward me against the American troops and I should
tell you that his father died but not his mother and these were
mysayings.

The officer

(b)(6)

CENTCOM 000754

1- my exchange right for my father death and the distruction of his car and his is aright of human right who died without committing any false or any crime.

2- my killed father was got out with the workers to get their living and the accident happened and father died and his car was destroyed and he left afamily consist of many children awife and amother without any source of living and you know that the accident happened in al – mugdadia rejoin (shock al-reem) where any criminal work hadn't do

3- when I came to give you my exchange order , I was felling ahigh confidence that the American troops would exchange me because united American states is astronger state in defending human rights and saving them and my rihht in exchange is avery small right .

4- my father death and the distruction of his car was reason of ahunger and need of aperson who got them their living

5- the killed's family was looking the exchange member that they were very kind and fair to exchange them in order to look for anotjer source of living for this innocent family and our god do his best.

(b)(6)

ler

(b)(6)

His agent , the lawyer

(b)(6)

(b)(6) 1005

Date 14 - 1 - 2005

The important happens during the 24 hours ago

daily accidents
the joint cooperating center

no	date	The description of accident		Influence of natural sources	Their doings
1	130 in 14 - 1	<p>An American vehicle had schocked akia car in (schock al - rcen)street whichca used in 6 persons death they were 1 ^{(9)(a)} 2 ^{(9)(a)} 3 ^{(9)(a)} 4 ^{(9)(a)} 5 ^{(9)(a)} and injured 10 persons , we remove tow of them to baguba general hospital and the other to al - mugdadia general hospital.</p>	Its in fluence of natural sources		We had told police and American troops
2	245 in 14- 1	Bombing abombous when the American troops passed near al - shakha bridge			We had told police and American troops

CENTCOM 000

Pages 13 through 14 redacted for the following reasons:

Foreign Language

Foreign Language, (b)(6)

**AL-MUGDADIA Discussed court
9/2/2005**

**The sayings of whon had the personal right nooriya (b)(6)
(b)(6) whose birth was (b)(6) ,her work is | (b)(6) the dead
mother (b)(6) who lives in Al-mugdadia/near
Mansooriyat Al-J-abal,she swored and said the following:-**

**The dead (b)(6) was my son and in 14-1-2005 got out form his
house to work at six o'clock in the morning to Al-mugdadia inorder
to work in adaily waye from his asked persons in his car ,small
coaster with his group and after his getting out,the citizens tolde
me that the car which had removed the workers had an accident
with qan American vehicle and my son was died immediately .I ask
acomplain against the American troops and that myson was
married and had (b)(6) children and his father was died ,so these are
my sayings.**

The Judge

(b)(6)

9/2/2005

Page 16 redacted for the following reason:

Foreign Language, (b)(6)

AL-SUDOOR POLICE CENTER

14/1/2005

The respectful Al-Mugdadia General Hospital.this morning that we had an injured stayed herewhom were,the injured (b)(6)

(b)(6) , **the injured** (b)(6) , **the injured**

(b)(6) , **the injured** (b)(6) , **the injured**

(b)(6) , **the injured** (b)(6) , **the injured** (b)(6)

(b)(6) , **the injured** (b)(6) , **and the dead ones were** (b)(6)

(b)(6)

(b)(6) **as aresult of an accident**

between the car which its number is (b)(6) **which was owned by**

(b)(6) **and the national guareds in shok Al-reem**

rejoin.

1-we had taken the above injured sayings.

2-we had don afile to divide the dead bodies and sent it the legal health in baguba.

3-we had done on the dead bodies.

The Judge

the officer

/14-1-2005

(b)(6)

(b)(6)

Page 18 redacted for the following reason:

Foreign Language

AL-SUDOORPOLICE CENTER

The respectful Al-Mugdadia Judge Discussed

Your decision in 9/2/2005

**We had given you the request of (b)(6) who asked you to
chechthecar which its number is (b)(6) Diyala-its guality is small
coaster.**

**Your decision in 5/2/2005,we had checked the above car and wote
the destroyed parts in it andreturned it from General Traffic
Derectorote.**

The officer

(b)(6)

Page 20 redacted for the following reason:

Foreign Language, (b)(6)

**IN THE NAME OF GOD THE MERCY THE MOST MERCIFUL
THE**

**Mr. the respectful (b)(6) discussed the subject.
In the date 14/12005, the car, which its number, is (b)(6) had
shocked by by American troops and this accident had done bad
mistakes in my car above ... so I asked your accelency to do your
lawful best with my good thanks toyou.**

The reporter

(b)(6)

Diyala-Mansuriat Al-Jabal

His work: (b)(6)

6/2/2005

Pages 22 through 23 redacted for the following reasons:

Foreign Language
Foreign Language, (b)(6)

IN THE NAME OF GOD THE MERCY THE MOST MERCIFUL

**NO.167
Date.19/1/2005**

**Diyala health office
Legal health**

**The Healthod Legal Report
To/Al-Sudour police center**

**I am, the belloved signature, the doctor ((b)(6) I had
done the medical and legal division on the dead body of (b)(6)**

(b)(6)

**That had been sent with its division file that had been done by M.sh.
with the number 29 in 14-1-2005 in the legal health baguba in 14-1-
2005 at half past eight and this was the result:-**

The personal description of the deadbody:-

**The body (good-Mid-pale) length (b)(6) skin colour mid dark-
hair colour-eyescolour-age-(b)(6) years-other character(had no bad
part-body cut)**

Cloth description:-had no clothes on him.

**Foreign destroy:-The bone body was completely destroyed with
muscles because of a heavy shock.**

The doctor

(b)(6)

Specialized legal health

Page 25 redacted for the following reason:

Foreign Language, (b)(6)

In the name of god the mercy the most merciful

In the date 5/2/2005 we had checked the car which its number (b)(6) --
diyala -borrow-11 person Toyota , the motor number (b)(6)
(b)(6) which had an accident by American troops and according to the
submitting that submit by them which they said in it that an american
vehicle shocked above car and that the car and the number of is
(b)(6) and that the car was worked in a good way before the
accident and its about price was more than four million dinars and after
the accident the car became nothing because it had destroyed completely
and became iron and benefite but only scab and this is my skill.

Lawful skillful

(b)(6)

**Diyala-Al-Mugdadia
5-2-2005**

Pages 27 through 28 redacted for the following reasons:

Foreign Language, (b)(6)

Al-sudoor police center
Acheck on the dead body for

(b)(6)

1-I saw the dead body on the floor.

2-I saw the dead body stained with blood.

3-the dead body put on

(b)(6)

4-Many destroyed points on all his dead body .

5-I saw abloody dropson the floor.

The officer

(b)(6)

Pages 30 through 40 redacted for the following reasons:

(b)(6)
Foreign Language, (b)(6)

(b)(6)





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(b)(6)

(b)(6)



(b)(6)

NTCCM

(b)(6)





M 000792