

05-IB7-T0142

(05-IB7-T0142)

02-20-1971

CENTCOM 001121



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

REPLY TO
ATTENTION OF:

FCC IB7

Claim of (b)(6) 05-IB7-T0144

ACTION

1. Facts: The claimant alleges that on 17 June 2005, US Forces raided his house, completely destroyed it and killed his wife, daughter and granddaughter, additionally, wounding another daughter and one son. The amount requested in damages is \$250,000.

2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. The claimant provided no evidence that US Forces committed a negligent or wrongful act. The incident 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: We concur with the recommendation to deny this claim. The claim is therefore denied.

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

CPT, JA
Foreign Claims Commission, IB7

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

CPT, JA
Foreign Claims Commission, IB7

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

CPT, JA
Foreign Claims Commission, IB7

~~UNCLASSIFIED/OFFICIAL USE ONLY~~

CENTCOM 001122

FOREIGN CLAIMS WORKSHEET

Amount Claimed: \$ 250,000

Date Reviewed: 31 July 2005

Date of Incident: 17 JUNE 2005

Pay: \$ Ø

Deny: COMBAT EXCLUSION

Need more info: _____

Need more translation: _____

NOTES:

US FORCES WERE TAKING FIRE FROM PERSONS
INSIDE STRUCTURE. US FORCES RETURNED FIRE

KILLED WIFE (b)(6), (b)(3)

DAUGHTER (b)(6)

GRAND DAUGHTER (b)(6)

COMBAT EXCLUSION



HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FCC IB7

27 August 2005

Claim of (b)(6)
Claim Number: 05-IB7-T0144

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IB7 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 IB7 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 directly or indirectly from combat activities of the US armed forces. Additionally, you did not prove any negligence or wrongdoing on the part of US Forces. There is not sufficient information to substantiate this claim.

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.

Sincerely,

(b)(6)

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

(b)(6)

Captain, U.S. Army
FCC IB7

(b)(6)

~~UNCLASSIFIED/OFFICIAL USE ONLY~~

CENTCOM 001124



HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FCC IB7

27 August 2005

Claim of: [REDACTED] (b)(6)
Claim Number: 05-IB7-10144

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IB7 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 IB7 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 directly or indirectly from combat activities of the US armed forces. Additionally, you did not prove any negligence or wrongdoing on the part of US Forces. There is not sufficient information to substantiate this claim.

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.

Sincerely,

[REDACTED]
(b)(6), (b)(3)

Captain, U.S. Army
FCC IB7

~~UNCLASSIFIED/OFFICIAL USE ONLY~~

CENTCOM 001125

UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date: July 9, 2005

II. FROM: Name (English): (b)(6), (b)(3)

Name (Arabic): Foreign Language Text

(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: 368169

(c) DETAINEE IDENTIFICATION NUMBER:

III. ADDRESS of person filing claim:

(English): Foreign Language Text
(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: Marines

(c) The property damaged is owned by:

(d) The incident happened on June 17, 2005 at Al-Qaeem
(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: According to him, In June 17, 2005 at 12:00 midnight, The U.S force raided his house and shoot it, They used Helicopters, trucks, humvees, the soldiers killed three of his family (his wife, daughter and granddaughter) and three wounded (daughter and one son) also another persons wounded, They destroyed his house completely.

[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
Death of 3 members	
cut legs (two legs) of his daughter	
injuries	
Destroy the house	
took jewelers	

TOTAL \$ 250,000

(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: \$ 250,000
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 for my claim approved.

(b)(6)

(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.)

UNITED STATES MARINE CORPS
DETACHMENT 4, 5TH CIVIL AFFIARS GROUP
UNIT 73125
FPO AE 09590-3125

1414
CAG/ehh
17 Apr 05

From: Captain [REDACTED] (b)(6), (b)(3) USMC
To: Whomever it may concern

Subj: ADMITTANCE TO HOSPITALS IN BAGHDAD AND BALAD

1. On 17 June 2005, the house of [REDACTED] (b)(6) was damaged by U. S. Forces after taking fire from insurgents inside the structure. Members of the above's family were injured and MEDEVAC'd to U. S. Military medical facilities in Balad and Baghdad. Upon properly identifying Halal Hamud Ali, please allow him to visit any family members still in these facilities.

2. Point of contact in this matter is Capt [REDACTED] (b)(6), (b)(3) at [REDACTED] (b)(2)High

[REDACTED] (b)(6), (b)(3)

CENTCOM 001128

Page 11 redacted for the following reason:

foreign language/b(6)

Foreign Language Text

Pages 13 through 15 redacted for the following reasons:

foreign language/b(6)

CENTCOM 001134

Pages 17 through 24 redacted for the following reasons:

foreign language/b(6)



(b)(6), (b)(3) MD
Major, U.S. Army, Medical Corps
Department of Surgery



**86th Combat Support Hospital
Ibn Sina Hospital
Baghdad, Iraq**

HOSPITAL TEL. (b)(2)High E-mail (b)(6), (b)(3) @us.army.mil

DATE OF DICATATION: 1 July 2005

Discharge Summary/Aeromedical Evacuation Summary

Patient: 3078

SSN: (b)(6)

Date of Admission: 18 June 2005

Date of Discharge/Transfer: 3 July 2005

NARRATIVE SUMMARY OF HISTORY OF PRESENT ILLNESS & HOSPITAL COURSE

(b)(6) Host Nation female s/p injuries to bilateral lower extremities in reported action by Marines in Operation Spear. Sustained near total traumatic amputation right great toe and left leg shrapnel wounds. She developed a seroma on her left leg that was treated with D&I on 1 July 2005. She appears to be responding well to iv antibiotics and wound care.

DISCHARGE DIAGNOSES:

- 1) Right foot traumatic fifth toe amputation
- 2) Left leg seroma

PROCEDURES DURING ADMISSION

- 1) Right foot fifth ray resection
- 2) Left leg seroma debridement and irrigation

MEDICATIONS ON TRANSFER/DISCHARGE

- 1) Keflex 500 mg po QID
- 2) Levoquine 500 mg po q8h
- 3) Percocet 1-2 tab po q4h prn

CONDITION: Stable for Transfer

PLAN/RECOMMENDATIONS:

- 1) Continue left leg wet to dry dressing changes
- 2) NWB on RLE
- 3) Remove stitches in 1 week if healed
- 4) Please contact me here at the 86th CSH if you have questions regarding his care

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

MD, MAJ, USA, MC

Orthopaedic Surgery

(b)(3)(b)(6) @us.army.mil

Ibn Sina Hospital/86th Combat Support Hospital, Baghdad, Iraq

Pages 26 through 31 redacted for the following reasons:

Foreign Language Text, (b)(6)
foreign language/b(6)

CENTCOM 001150



(b)(6), (b)(3) MD
Major, U.S. Army, Medical Corps
Department of Surgery



86th Combat Support Hospital
Ibn Sina Hospital
Baghdad, Iraq

HOSPITAL TEL. (b)(2)High E-mail (b)(6), (b)(3) @us.army.mil

DATE OF DICATATION: 2 July, 2005

Discharge/Transfer Summary

Patient:
Pt ID #:

(b)(6)

Date of Admission: 20 June 05

Date of Discharge/Transfer:

NARRATIVE SUMMARY OF HISTORY OF PRESENT ILLNESS & HOSPITAL COURSE

Pt is approx (b)(6) Iraqi civilian who was involved in a blast and shooting incident by report that resulted in serious harm to the pt, loss of her child, the death of her mother, and injury to her father, sister, and brother. The pt sustained severe BLE blast injury and was originally seen at the SSTP where she underwent BLE BK amputation. The pt had severe shock, severe lung injury with ARDS, acidosis, coagulopathy, and hypothermia.

The pt presented to the 86th CSH in severe shock with severe lung injury. She underwent BLE tourniquet application and bleeding control. She also had debridement of a RUE forearm which suffered soft tissue defect and nerve damage. Aggressive efforts were made to reverse near physiologic exhaustion (acidosis, coagulopathy, and hypothermia); however, these efforts were limited by inability to ventilate and oxygenate the pt on APRV, PCV, and other modes with 100% FiO₂, I:E ratio inversion, complete sedation/paralysis, and PEEP of 20. Bilat chest tubes were placed for effusions. PaO₂ were in the 40-50 range for a prolonged period of time with concerns for anoxic/hypoxic brain injury.

After 48 hours at the 86th CSH, the physiologic exhaustion was reversed and BLE AKA as well as RUE superfis digitorum muscle debridement was performed by Blair, Shultz, and Lopez. The pt continued to improve from a pulmonary standpoint until POD#4 when she developed a GNR pneumonia. Appropriate antibiotic coverage was administered. Line were replaced. DVT of RUE was ruled out. WBC improved from 20 to 12. Overall fever curve and clinical exam have improved. Wounds look good. Pt extubated 3 days and oxygenating and ventilation improved.

DISCHARGE DIAGNOSES:

- 1) BLE traumatic amputation; s/p BK guillotine amp at SSTP; s/p BLE AKA at 86th CSH
- 2) RUE nerve injury and soft tissue defect; s/p debridement by (b)(3)(b)(6) and wound vac applied
- 3) Near physiologic exhaustion (acidosis, coag, hypothermia)
- 4) GNR pneumonia treated with antibiotic
- 5) Baseline malnutrition – on Dobhoff TF
- 6) Blood loss anemia – stable after transfusion
- 7) Severe ARDS improved and off vent for 3 days
- 8) Right distal femur fracture
- 9) RLE below knee severe posterior burn
- 10) Thrombocytopenia – improved and no bleeding

PROCEDURES DURING ADMISSION

- 1) CT scan of abd, pelvis, head
- 2) RUE U/S
- 3) Repeat CXR
- 4) s/p BLE and RUE debridement and bleeding control
- 5) s/p BLE AKA; Burn excision; RUE muscle debridement
- 6) s/p RUE repeat debridement and wound vac application
- 7) s/p Bilateral chest tube placement now out for 5days

CENTCOM 001151

Discharge/Transfer Summary

Subject: Patient #

Foreign Language Text

MEDICATIONS ON TRANSFER/DISCHARGE

- 1) Levaquin 500mg IV q 24h
- 2) Vancomycin 1gm IV q 12h
- 3) Protonix 40mg IV q 24h
- 4) Heparin 5,000 units SQ q12h
- 5) Tylenol 650mg po/pt/pr q4h prn
- 6) Fentanyl patch 75mcg/hr to ACW change q3d
- 7) Ativan 0.5mgq12h prn
- 8) Haldol 5mg IV q8h prn

CONDITION: Good and Stable for Transfer

Plan/Recommendations:

- 1) Please contact me at the 86th CSH for any questions or problems.
- 2) Monitor for fever or signs of wound infection.
- 3) Dressing changes of BLE qd with kerlix roll and ACE wrap
- 4) RUE wound vac change q2-3 days and STSG per receiving surgeon
- 5) Continued pulmonary rehabilitation and pulmonary toilet
- 6) Continued nutrition replacement with tube feeds and recently restarted on oral feeds with aspiration precautions
- 7) Family grief counseling for the entire family traumatized by attack
- 8) Eventually will need BLE AKA shrinkers and prosthesis
- 9) REC DO NOT REMOVE BLE AKA SUTURE UNTIL JULY 25, 2005

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

MD, MAJ, USA, MC

General & Vascular Surgery

Ibn Sina Hospital/86th Combat Support Hospital, Baghdad, Iraq

(b)(2)High

Pages 35 through 36 redacted for the following reasons:

foreign language/b(6)



86th Combat Support Hospital
Ibn Sina Hospital
Baghdad, Iraq



HOSPITAL TEL. (914) 360- 3477 DSN 318 239-7623 E-mail (b)(6), (b)(3) @iraq.centcom.mil

2 July, 2005

MEMORANDUM FOR Iraqi Assistance Center

SUBJECT: Compensation for Iraqi Family

1. The 86th Combat Support Hospital is currently providing medical care to 3 family members that were injured during a battle with insurgents. Medical Discharge Summaries are attached confirming the injuries and medical care provided, as well as a letter from the Marine Civil Affairs Group confirming the incident.

2. Listed below is a translation of the handwritten letter of Halal Hamud Ali:

Material Damages

The family resides in a house of 1,000 square meter area consists of 9 rooms plus 2 kitchens. The house was inflicted with severe damages due to Air Strikes by Aeroplanes and helicopters in addition to tanks and troops fire. It is worthy to mention that 5 rooms were totally destroyed along with the furniture of the house, windows, doors and glass. We also lost the only car we have. Make

(b)(6)

Missing Stuff

Golden stuff weighing 250g belongs to my wife and daughters in addition to \$140.00
A passport belongs to the named (b)(6) father to the entire identifications and personal documents of the whole family members.

Physical Losses

On the 17 June 2005, my home was raided by the Marines troops in Al Qaem area, (b)(6) and was completely damaged in the aftermath of that attack with the loss of the following physical account:

1. The family consists of 10 members
2. The dead were 3 as follows:

A -

B -

(b)(6)

CENTCOM 001155



86th Combat Support Hospital
Ibn Sina Hospital
Baghdad, Iraq



HOSPITAL TEL. (914) 360- 3477 DSN 318 239-7623 E-mail (b)(3)(b)(6) iraq.centcom.mil

- C - (b)(6)
3. The Injuries were as follows:
- A - (b)(6)
- B - (b)(6) lost her two legs – amputated (b)(6)
- C - (b)(6)
- D - (b)(6) lost one finger from her foot.
- E - (b)(6)
- F - (b)(6) with a leg fracture

End of Letter

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

Major, U.S. Army
Director, Patient Administration
Operations

Pages 39 through 40 redacted for the following reasons:

foreign language, (b)(6)

Page 42 redacted for the following reason:

foreign language, (b)(6)

CENTCOM 001161