

Foreign Language

05-181-70602

CENTCOM 001671



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

REPLY TO
ATTENTION OF:

FCC IG1

16 June 2005

CLAIM OF: (b)(6)
CLAIM NUMBER: 05-IG1-T0602

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IG1 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 IG1 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.

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.

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

FCC IG1

UNCLASSIFIED/OFFICIAL USE ONLY

CENTCOM 001673



REPLY TO
ATTENTION OF:

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

FICI-JA

Claim of

(b)(6)

05-IG1-T0602

ACTION

1. Facts: The claimant alleges that on 17 February 2005, a shooting commenced upon his brother while he was driving to work; killing the brother and damaging the claimant's vehicle. The amount requested in damages is \$10,000.

2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces.

(b)(5)

(b)(5)

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)

FCC IG1

UNCLASSIFIED/OFFICIAL USE ONLY

CENTCOM 001674

UNITED STATES ARMED FORCES CLAIMS FORM

TO: United States Army Foreign Claims Commission Today's Date: May 12, 2005

FROM: Name: _____ (b)(6) _____

Circle one: Claimant Attorney Authorized representative Brother/Sister Son/Daughter

→ [Attorney or representative MUST attach proof of authorization.] Other: _____

ADDRESS of person (English): _____ Foreign Language _____

(Arabic): _____

(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: M.U

(c) The property damaged is owned by: /

(d) The incident happened on Feb. 17, 2005 at Salman PAK - Al Maddeen
(Date) (city/town/neighborhood/highway name & number)

(e) The facts of the incident follow: According to his speech, his late brother (b)(6) was driving a Land Cruiser vehicle, 1979, white, on Feb. 17, 2005 at 10:00 in the morning, he was driving the car with his brother then suddenly there was ~~randomly~~ shooting (directly shooting) towards his car from a convoy was around in the same area, this accident cause his death (As his brother said) and also two people were dead and injured of his brother also, there was no combat activities but they suspected them, they couldn't have a claim card cause the convoy was moving

[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.]

Page 7 redacted for the following reason:

Foreign Language Text



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

REPLY TO
ATTENTION OF:

FCC IG1

16 June 2005

CLAIM OF: (b)(6)
CLAIM NUMBER: 05-IG1-T0602

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IG1 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 IG1 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.

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.

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

FCC IG1

UNCLASSIFIED/OFFICIAL USE ONLY

CENTCOM 001678

FOREIGN CLAIMS WORKSHEET

Amount Claimed: \$ 10,000. USD

Date Reviewed: 14 JUNE 2005

Date of Incident: 17 Feb. 2005

Pay: \$ _____

Deny: combat

Need more info: _____

Need more translation: _____

NOTES:

- alleged negligent shooting and wrongful death of the claimant's brother, as his vehicle was shot up by US convoy while he was on his way to work in the morning
- convoy did not stop and kept moving - this is evidence that would tend to show that they thought they were in a dangerous area and needed to leave
- without more info, I'm inclined to say this was a combat activity per 10 USC 2734(B)(3).

Pages 10 through 21 redacted for the following reasons:

Foreign Language Text

Foreign Language Text, (b)(6)