

OS 164 10433



REPLY TO
ATTENTION OF:

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

FICI-JA

Claim of

(b)(6)

05-IG1-T0433

ACTION

1. Facts: The claimant alleges that on an unspecified date Coalition Forces, during the liberation of Al-Fawar killed several of his livestock and damaged a room in his house during the bombings, his wife and son were also killed. The amount of compensation being sought is unspecified.
2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. The claimant provided no evidence that the US 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: The claim is therefore denied.

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

UNCLASSIFIED/OFFICIAL USE ONLY

CENTCOM 001866

Page 4 redacted for the following reason:

Foreign Language, (b)(6)



REPLY TO
ATTENTION OF:

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342
IG1

(b)(6), Foreign Language Text

موضوع: مطلب من /
رقم المطلب /

السيد العزيز أو السيدة العزيزة،

بعد التحية

هذا اشعار لتسريع قرار ادارى نهائى للمطلب من طرفكم ضد الولايات المتحدة.

لجنة المطالبات للاجانب (اف سي سي) \ اى بي 5, قامت بالتحقيق و دراسة المطلب من طرفكم تحت قانون المطالبات الأجنبية (اف سي ايه) فصل - 10 من شيفرة الولايات المتحدة , قسم 2734. كإداء من قواعد تنسيق الجيش الأمريكى \ (ايه ار) 27-20 , فصل 10. المطلب يخضع تحت (اف سي ايه) لشئون المقيمين فى العراق.
القانون الفيدرالى المدنى للمطالب فصل - 28 من شيفرة الولايات المتحدة, قسم 2680 (ك), لا ينطبق عليه لانه يمنع أى مطالب فى دول أجنبية تحت (اف سي ايه) بسبب الوفاة او ضرر شخصى حدث بالتهاون او الأهمال فى مجال العمل.

لجنة المطالبات للاجانب (اف سي سي) \ اى بي 5 | فحصت كل البيانات الخاصة بمطلبك و المستندات الخاصة بالمطلب و قامت بالتحقيق فى المطلب . و بأفضل المقاييس و التقديرات و بمراعاة المعلومات الموجودة فى المطلب و دراستها بدقة .
بناء عليه اللجنة قررت التالى:

مع الأسف ان مطلبك قد رفض . قانون (اف سي ايه) لا يسمح بصرف او دفع اى مبلغ فى مطلب مرفوض بطريق مباشر او غير مباشر وقت الحرب , طالما ان الجنود الامريكان لم يقوموا بأى عمل غير شرعى او اهمال او تقصير من جانبهم و كان عملهم مبرر خلال الحرب. اضافة على ذلك لم تقوم بتقديم اثبات اية ادلة بان القوات الامريكية قامت عمدا او تدمير الممتلكات لديكم خلال حرب تحرير العراق, فعملهم كان ضرورى و لابد منه و لا يمكن تفادية. بناء على ذلك المطلب رفض.

لو لم توافق او الأمر يثير الاستياء للقرار, تحت قواعد تنسيق الجيش الأمريكى (ايه ار) 27-20. يمنحك الحق بالقيام بطلب التماس للنظر فى مطلبك مرة أخرى. فى حالة دراسة المطلب مرة أخرى من فضلك اعطنا اية معلومات جديدة و اضافية و اساسية و مادية لتدعم طلب اعادة النظر فى مطلبك مرة أخرى .

طلب الألتماس لا يوجد شكل محدد او معين له, لكن أشرح فى الألتماس الأساسى الشرعى و الواقعى للنظر فى طلب الألتماس مع المعلومات الإضافية و الأساسية و المادية للنظر فى الألتماس مرة أخرى .
أى طلب الألتماس المفروض تقديمه فى مدة أقصاها ثلاثون يوما (30) من استلام الخطاب.
تحت القانون القرار حاسم و نهائى من جانب لجنة المطالبات للاجانب.

مع الاحترام و التقدير,

Foreign Language Text, (b)(3)(b)(6)

CENTCOM 001868

FOREIGN CLAIMS WORKSHEET

Amount Claimed: \$ _____

Date Reviewed: 22 Feb 05

Date of Incident: _____

Pay: \$ _____

Deny: Combat Exclusion

Need more info: _____

Need more translation: _____

NOTES:

Ground offensive - cattle killed, sheep
killed, house bombed son + wife killed

* Same lawyers as

(b)(2)High



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

REPLY TO
ATTENTION OF:

FCC IG1

13 March 2005

CLAIM OF: (b)(6)
CLAIM NUMBER: 05-IG1-T0433

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.

Sincerely,

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

CENTCOM 001870



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

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13 March 2005

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Sincerely,

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

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UNCLASSIFIED/OFFICIAL USE ONLY

CENTCOM 001871

Foreign Language

(b)(6)

(b)(6)

(b)(6)

To the respectful commander of the Coalition Forces
in

Our greetings and respects to you

Our constituent (demandant) (b)(6) has
a flock of cattle, he lives in a tent, in the (b)(6)
(b)(6) along with the high way of (b)(6)

During the advance of the Coalition Forces to liberate AL-diwania
City and because of the bomb, our constituent has lost his wife
(b)(6) and his son (b)(6)

(b)(6) they died without any justification. In addition to
this his house has been destroyed with the furniture, also he has
lost (258) flock of sheep and (10) cows.

As a relative information, there is no military location in this
land to the previous government. So the demandant now has lost
every thing and he is jobless and very poor and unable to
do everything. Thus, he demands for compensation (claims)
instead of his great loss.

With all my respect

The demandant

(b)(6)

His two agents)

(b)(6)

and

(b)(6)

(lawyers)

according to the general agency number (b)(6) in 2/7/2003

The clerk of justice is

(b)(6)

1873

Page 11 redacted for the following reason:

Foreign Language