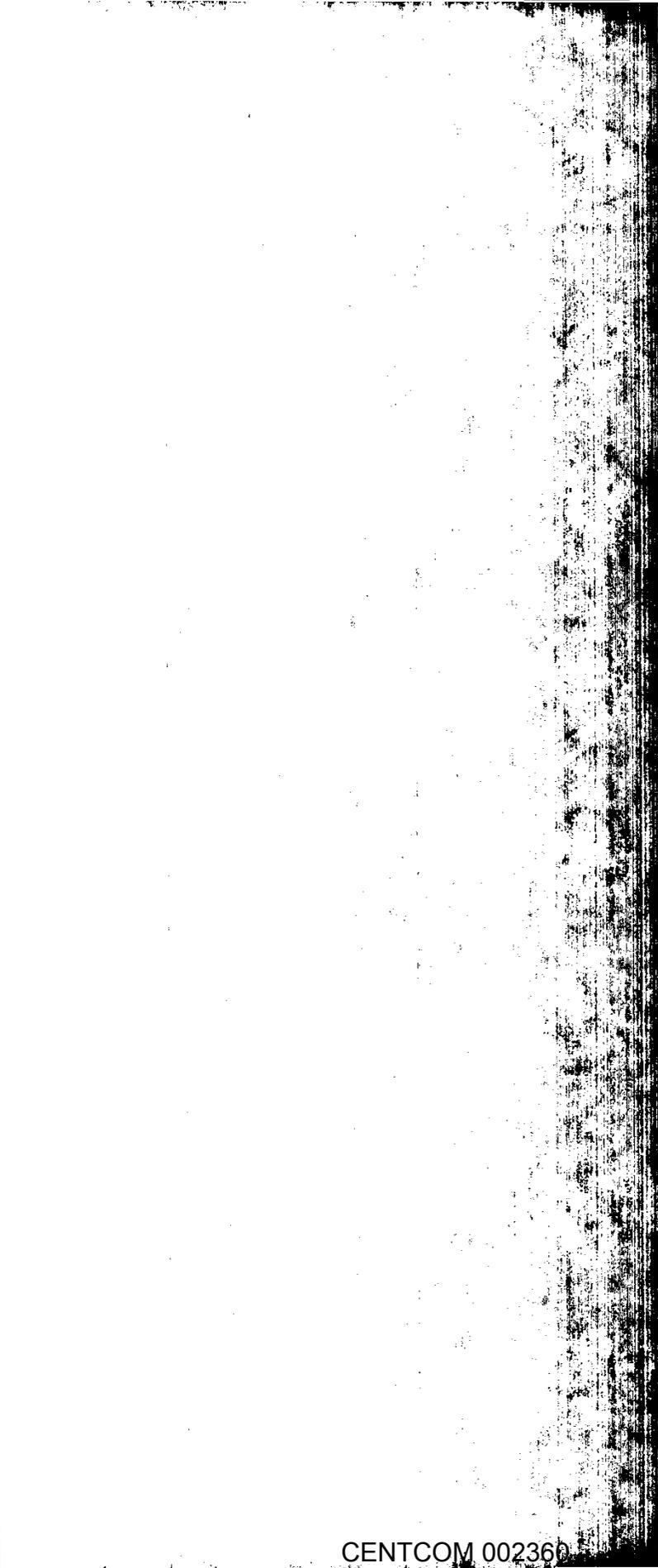


6-1113-130



CENTCOM 002360

3rd ID Foreign Claims Cover Sheet

File #: 6-IA3-136

Name: _____

(b)(6)

POA/AT: _____

Date Received: 29 NOV 03 Date of Incident: 8 Aug. 05

Claim Amount: 15,405,000^{ID} Location: Tikrit (b)(6)

Next Apt: 6 DEC 05

Translation: _____

Further Investigation:

Contact S-2 Check Sigacts

Approved Denied C/E

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

11/30/05

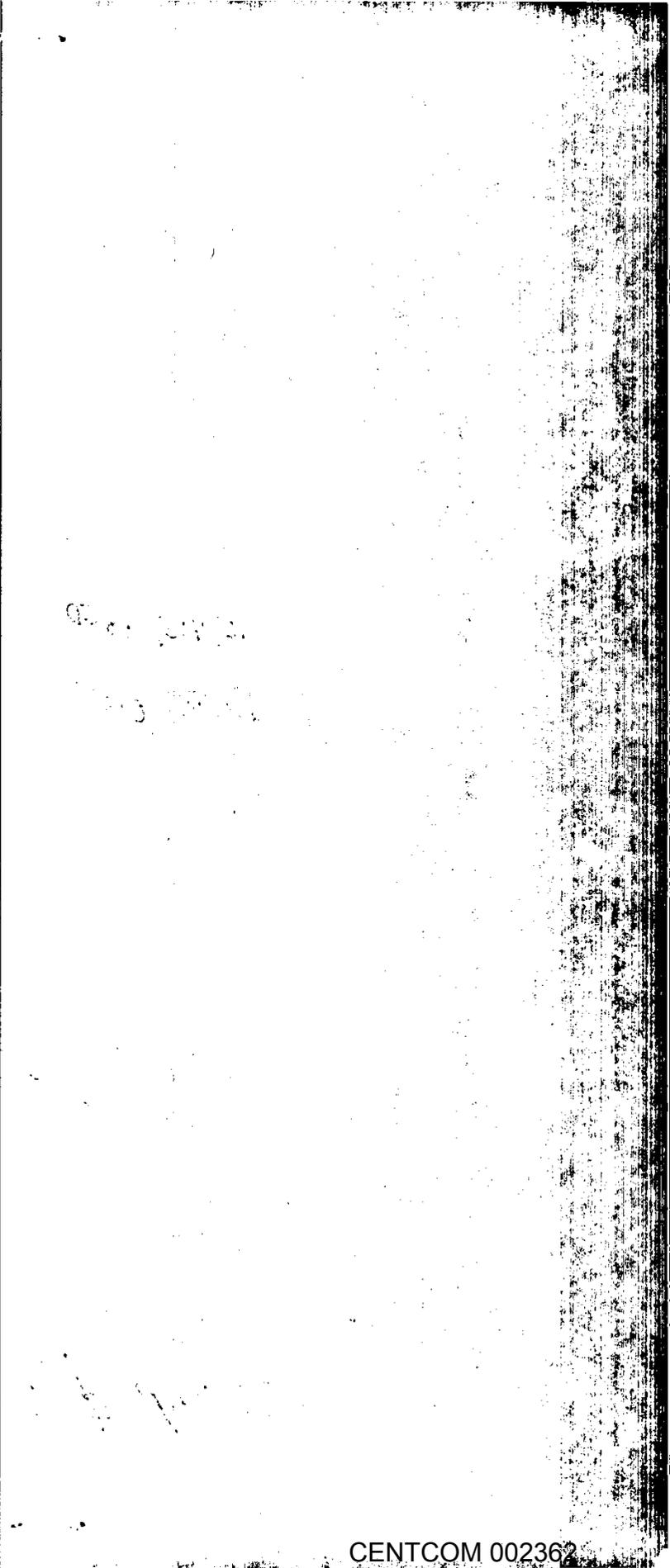
Goodwill Payment recommended: _____

Approved: _____ Denied: _____

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

MVA RAID LOST NEG FIRE REAL

OTHER: Bump & Shoot



Q. 1. 2. 3.

Q. 4. 5. 6.



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, FOB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

30 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 06-IA3-136

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on August 8, 2005 in Tikrit (Owja), Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$10,551 on 29 Nov 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 properly filed in a timely manner.
5. **Facts:** Claimant was driving in Tikrit on highway when a CF convoy approached from the rear. Claimant's vehicle somehow got caught in the middle of the convoy when trying to pull to the side of the road. CF vehicle opened fire on the Claimant's vehicle causing the vehicle to flip over. The claimant's cousin who was riding as a passenger in the vehicle was shot and killed. Claimant was shot and is filing for damages related to his personal injuries and damage to his vehicle. Claimant's car is a 1994 Nissan Cedric.
6. **Opinion:** Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the actions of the convey constitute combat action because CF took action in self defense.
7. **Recommendation:** This claim is denied.

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

CPT, JA
Claims Judge Advocate

CENTCOM 002363



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

6-IA3-136
4 Mar 06

AFZB-JA-C

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 101st Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

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

CPT, FCC
Foreign Claims Commissioner

CENTCOM 002364

6 1A3 136
17 JAN 06



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZB-JA-C

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 101st Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

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

CPT, FCC
Foreign Claims Commissioner

CENTCOM 002365

6 1A3 136
17 JAN 06

الموضوع / انكار قضية

- ب- ان الشكوى التي قدمتها قد تم رفضها للاسباب التالية :
- A- لم توجد ادلة كافية لتثبت صحة القضية .
- B- الادلة تبين ان قوات التحالف لم تتسبب بالحادث .
- C- الادلة تبين ان الاضرار قد حصلت اثناء مصادمات .
- D- الادلة تبين ان الحادث قد حصل نتيجة اهمالك او الخطيء الذي تسببت فيه .
- E- الادلة بينت ان الشكوى التي قدمتها هي محاولة احتيالي .
- F- اخرى -----
- ج- اذا كان هذا هو الوقت الاول بان قضيتك ينظر بها في هذا المكتب ،تستطيع ان تقدم استئناف وهذا المكتب يجب ان ياخذه خلال (30) يوما من استلام هذه المذكر الاستئناف كذلك يجب ان يجلب المشتكى المزيد من المستمسكات لاثبات صحة القضية اذا ارسلت الاستئناف فيما بعد او لم تنظيف مستمسكات اخرى سوف ترفض القضية للمرة الثانية .
- دلمزيد من المعلومات الكبتن جوزيف بيركان 5533362 .

C/E

Appeal
Denied

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Foreign Language, (b)(6)

CENTCOM 002368

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Foreign Language, (b)(6)

CENTCOM 002370

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Foreign Language, (b)(6)

CENTCOM 002372

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Foreign Language, (b)(6)

Foreign Language Text

NTCOM 002374

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: _____ (b)(6) _____

POA/AT _____

Power of Attorney provided and interpreter approved: Nancy Mather

Decedents: _____

Hometown: _____ Iraqi Resident: _____

My claim arose at: Outside Tikrit
(Town) (City) (Country)

My claim arose on: 8 AUG 05
Month Day Year

Proof of Ownership: yes - original presented & VIN # matches

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): N/A

Interpreter Approved: _____

Legal Expert Opinion: written on sheet

Interpreter Approved: _____

Witness Statement (Consistent?): 1 - (b)(6) - helped take to hospital saw convoy shoot & hit car

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.)

C's CAR got caught in the middle of the convoy when he was trying to get into the fuel station.

1st CAR got shot & then the car flipped over it was shot

CAR is worth 15,000, ID Cousin was shot & killed, driver injured. Not filing a wrongful death

Damage to CAR. → Nissan (b)(6) Cedric

Evidence: photos, 1 witness statement, Repair estimate hospital report

Nonresponsive, illegible text

CENTCOM 002376

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
Personal injury:	5,000,000 ID
CAR to Japan	
DAMAGE to CAR:	10,405,000 ID

Total: 15,405,000 ID

I was insured to the following extent against the damage or injuries I have sustained:

N/A

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)
\$ _____ local 15,405,000 ID

(b)(6)

(Signature of Claimant)

Subscribed before me this 29 day of Nov, 2005.

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

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Foreign Language, (b)(6)

CENTCOM 002380

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CENTCOM 002386

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CENTCOM 002388

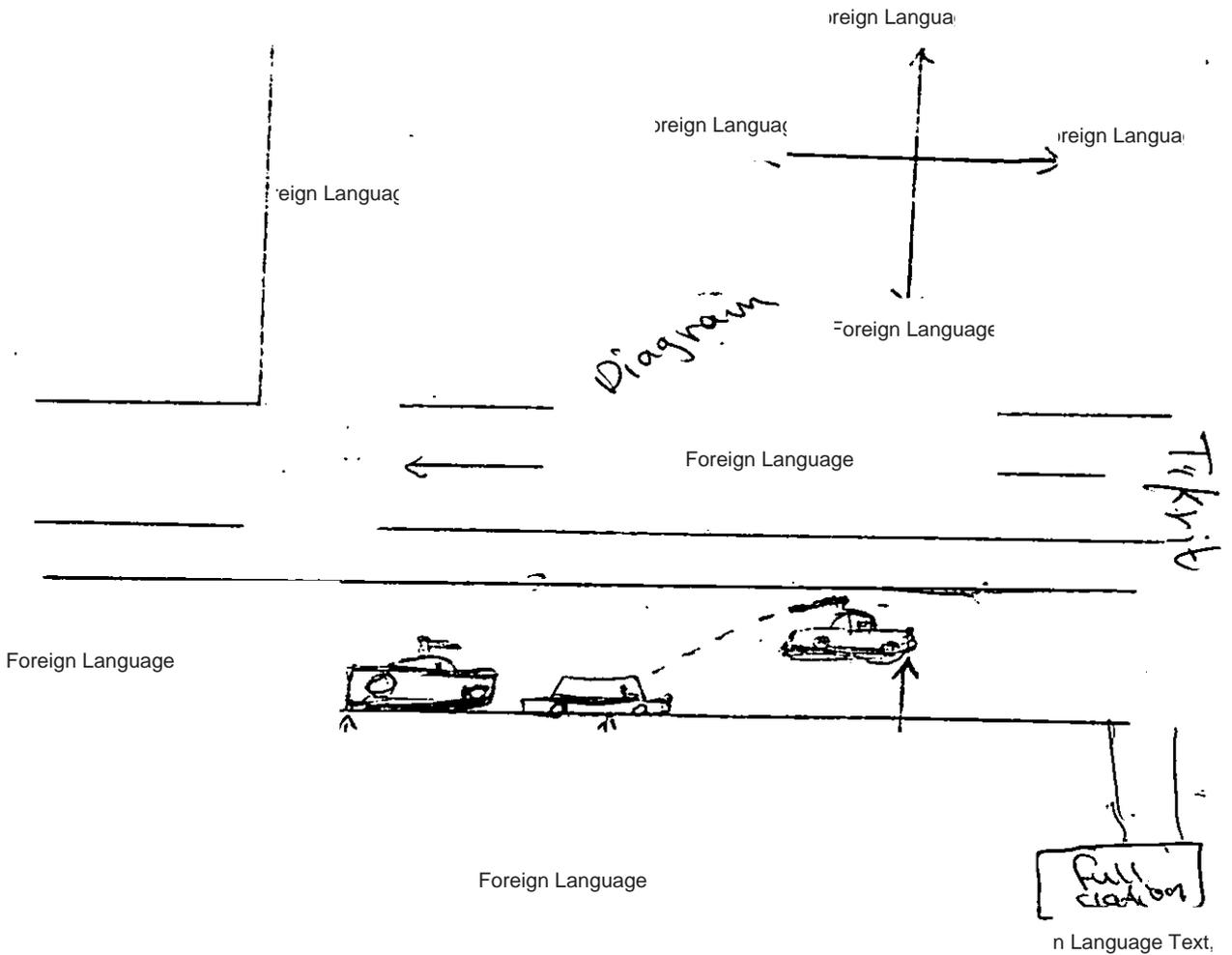
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CENTCOM 002390

Foreign Language

Bayan



Foreign Language, (b)(6)

CENTCOM 002391

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CENTCOM 002393

IP report

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 002395

IP report

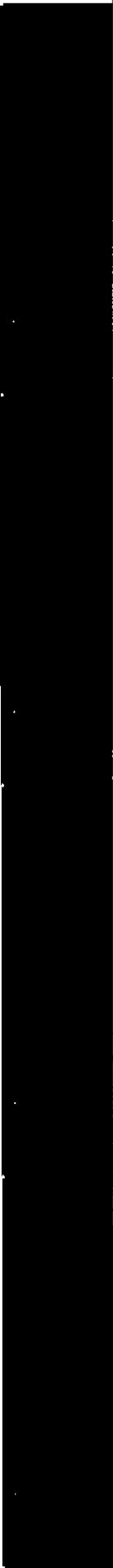
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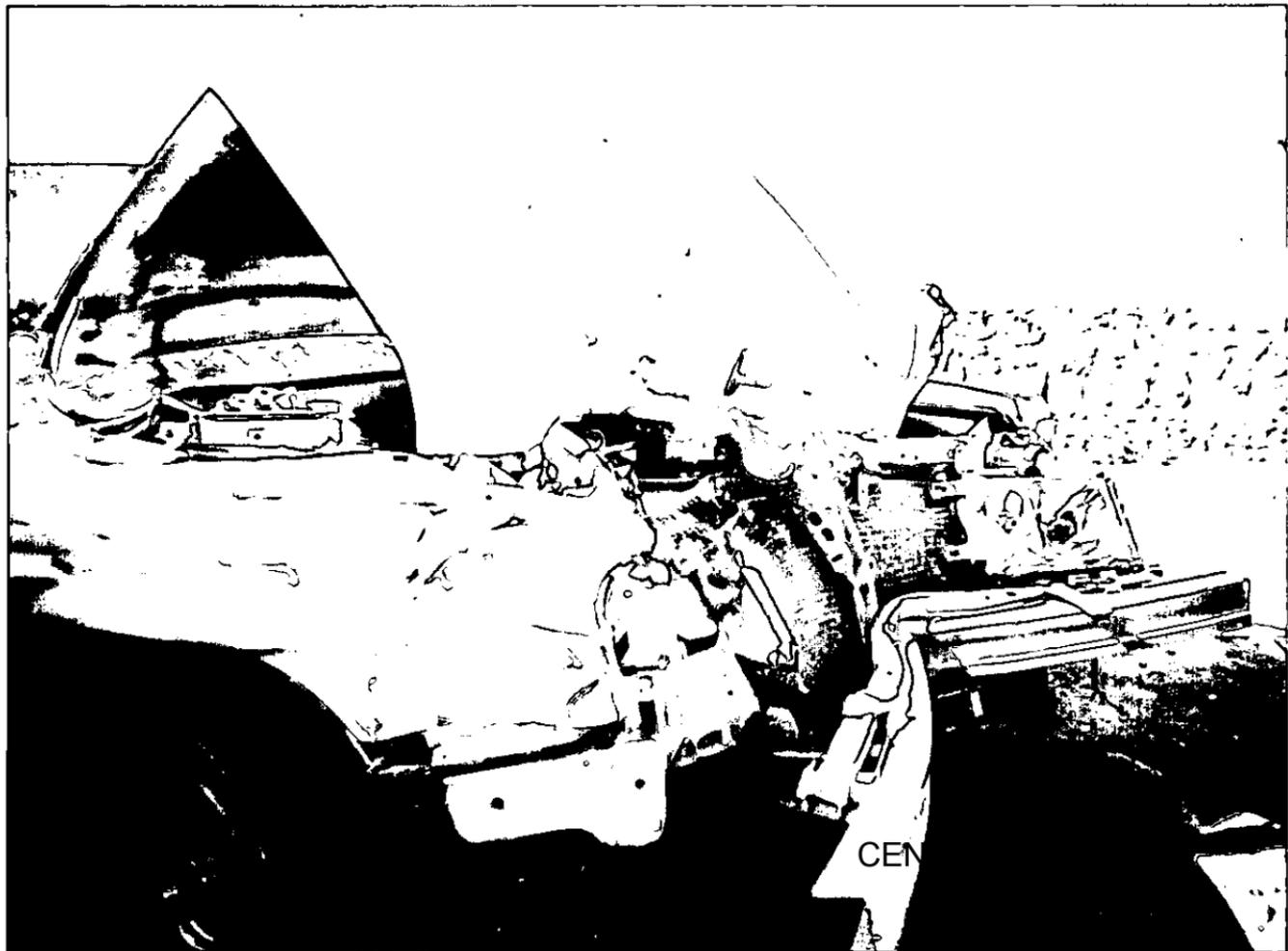
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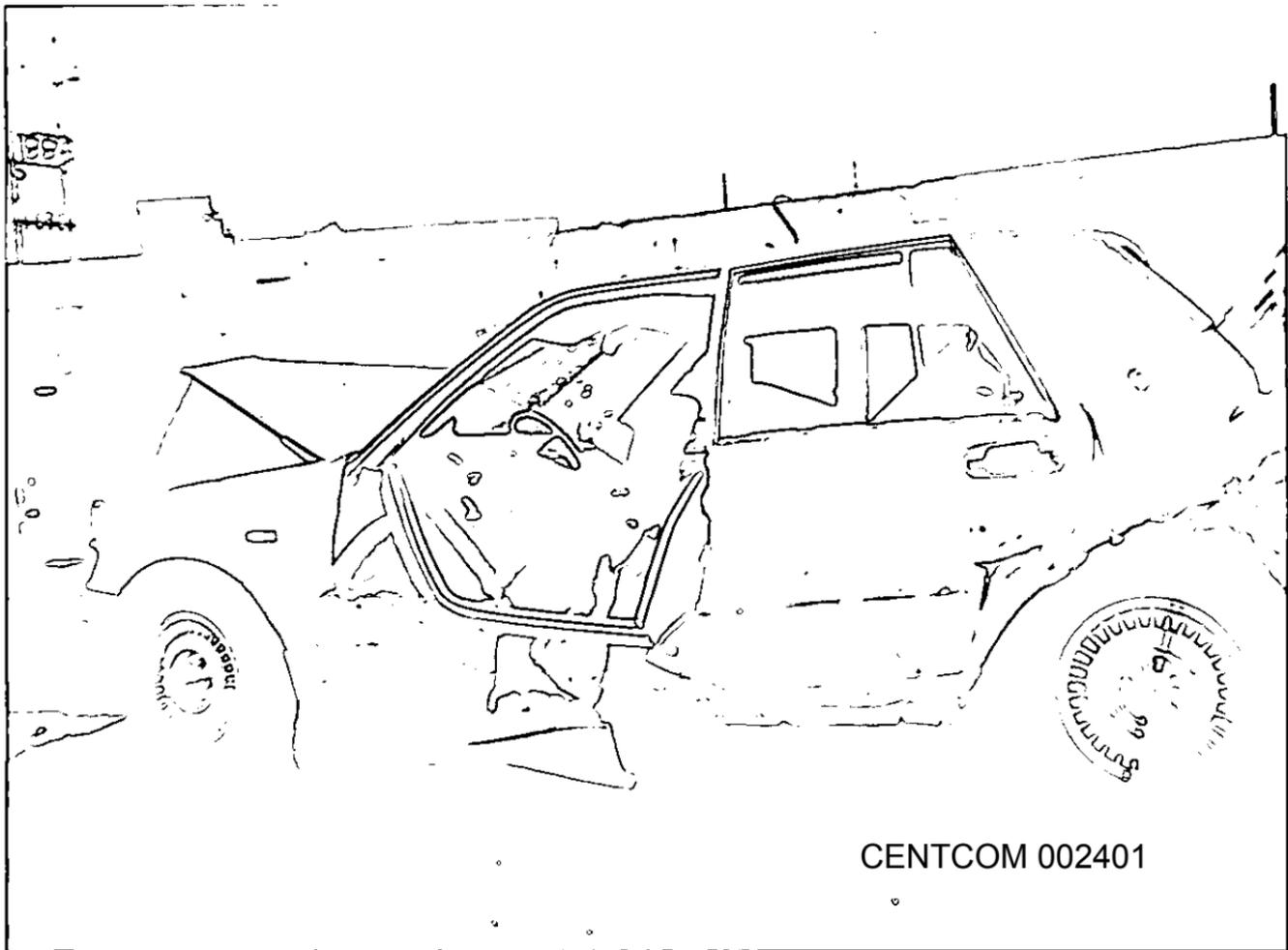
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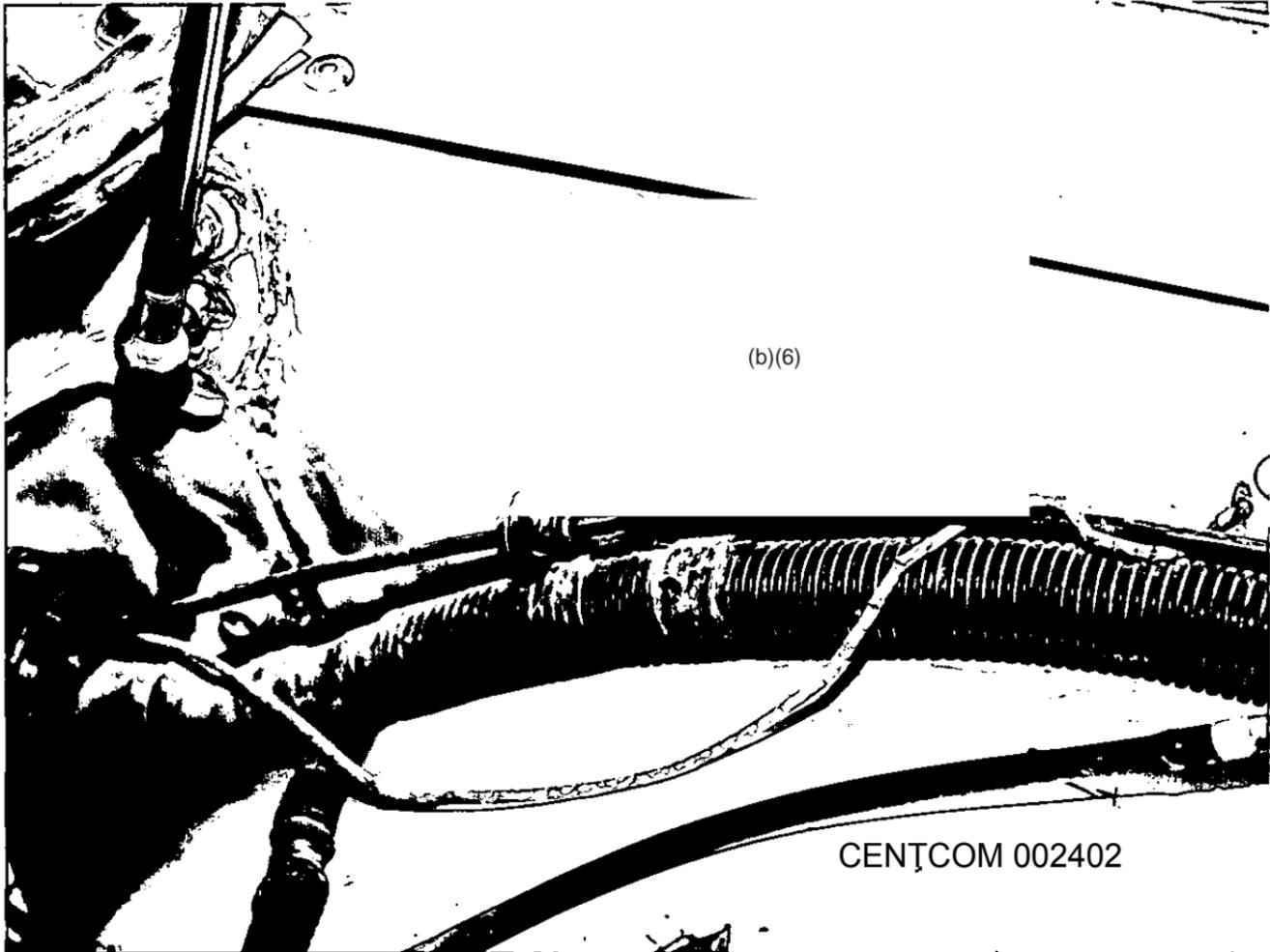
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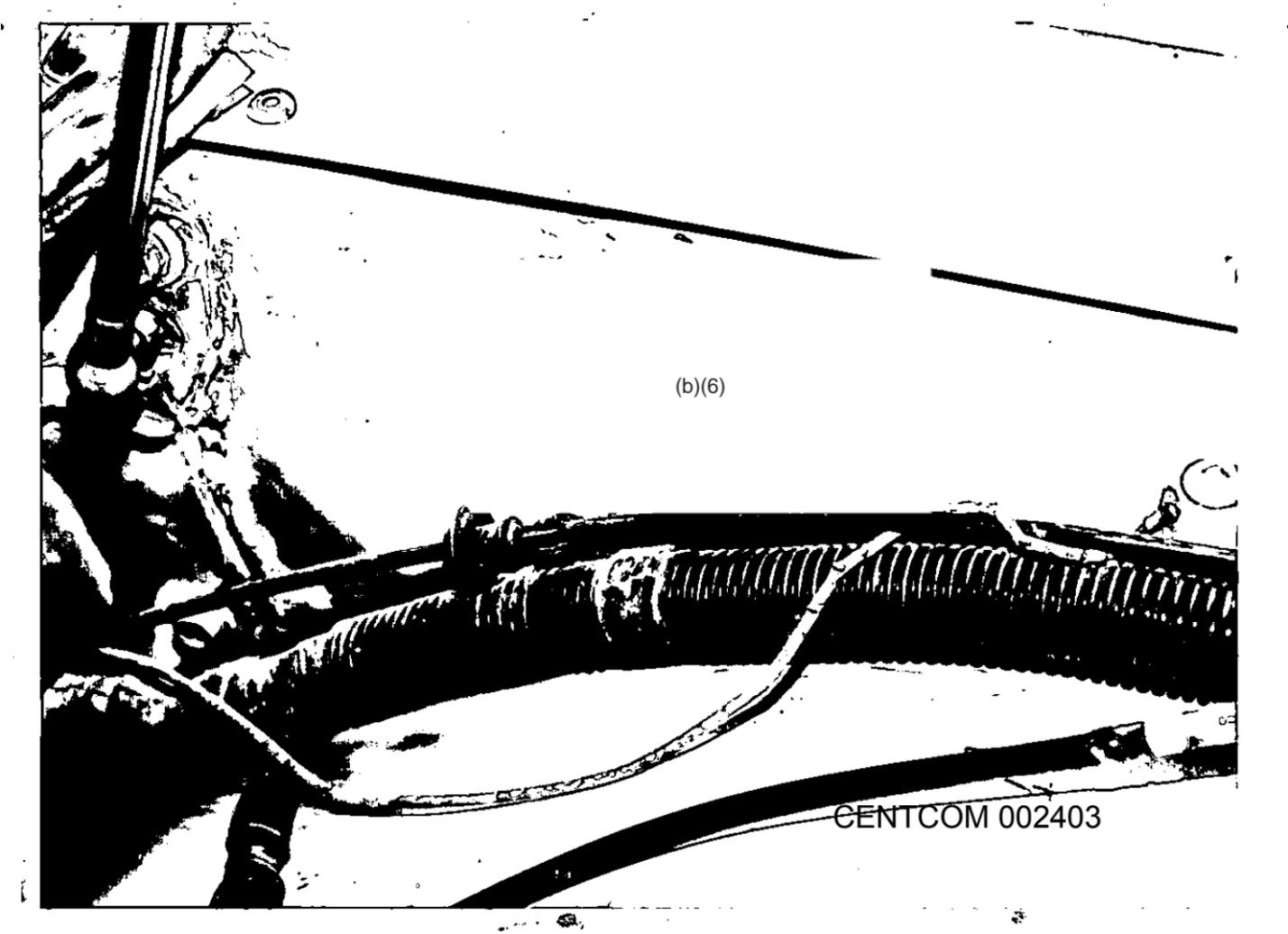


CENTCOM 002401



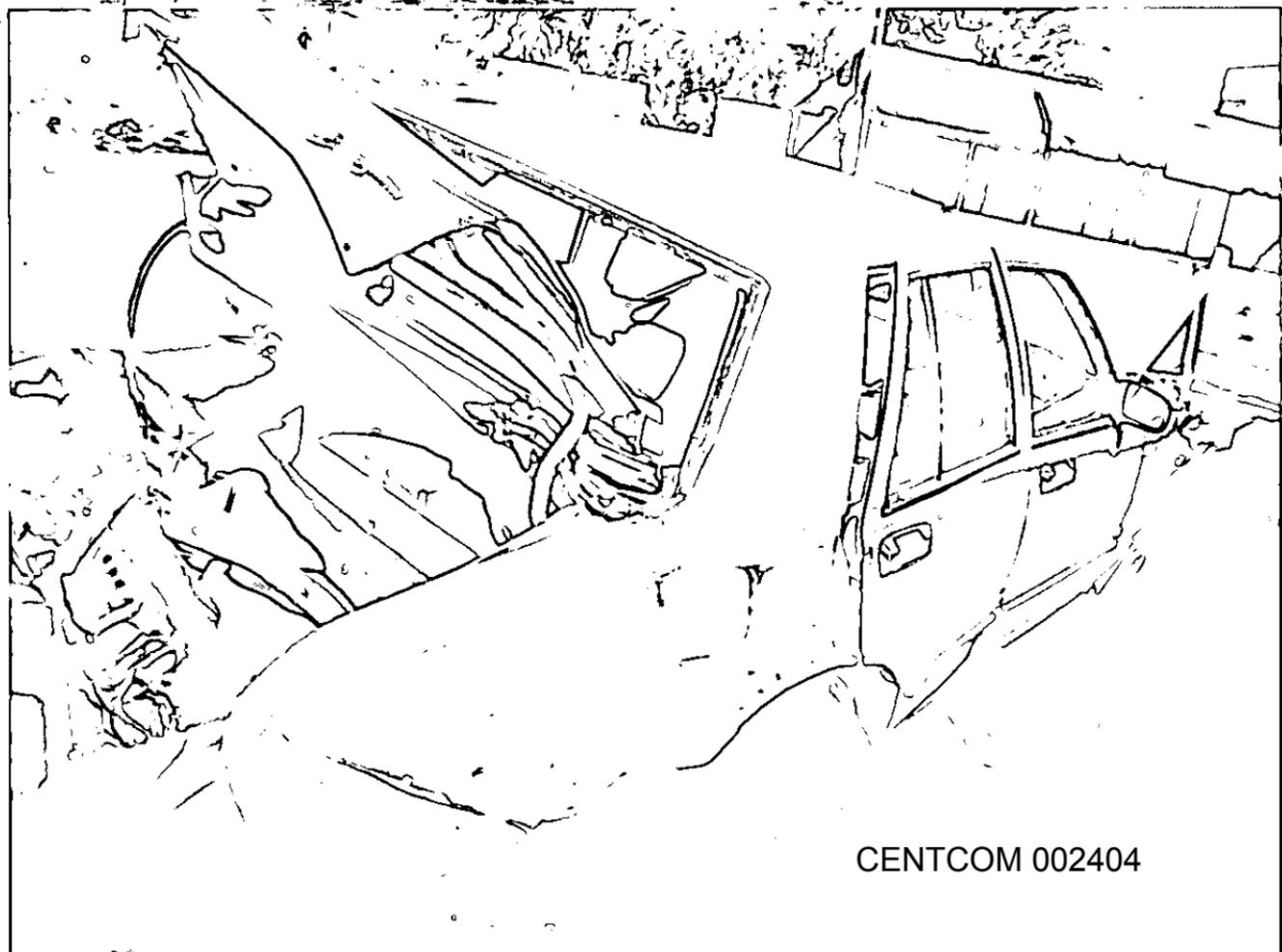
(b)(6)

CENTCOM 002402

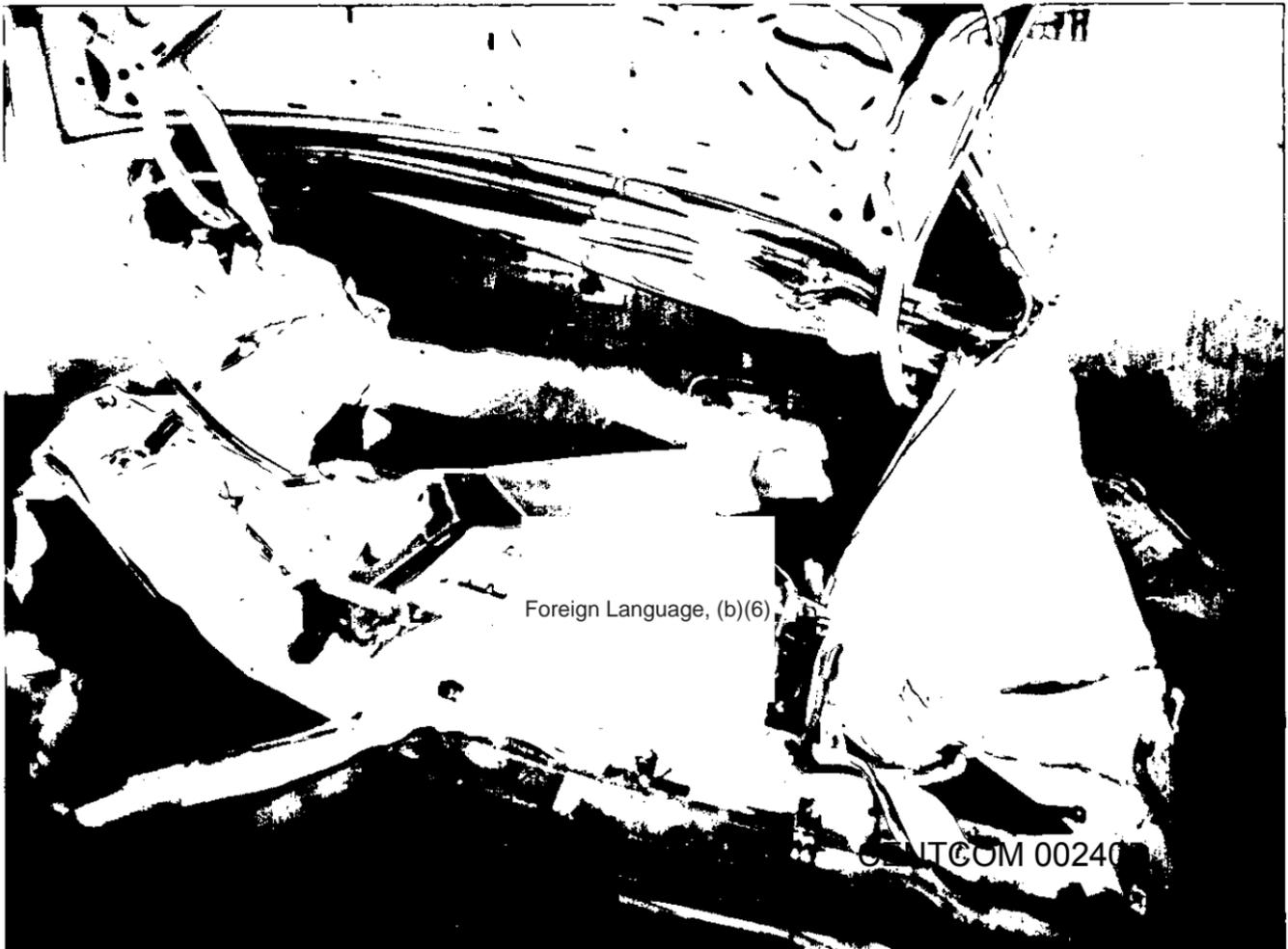


(b)(6)

CENTCOM 002403



CENTCOM 002404



Foreign Language, (b)(6)

CENTCOM 00240

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(b)(6)

