

07-3/1-193



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

7-3-1-193
10 Oct 07.

(b)(6)

APVG-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 25th Infantry Division Claims Office at DSN (b)(2)High .

(b)(6)

Chief of Claims

1 هذا جواب بخص إدعائك ضد الحكومة الولاية المتحدة. ادعائك مرجع تحت القانون الولاية المتحدة. أندم بأن أعلمك أن كان ادعائك نكر.

2 ان الشكوى التي قدمتها قد تم رفضها للأسباب 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 احتيال .

F - اخرى

3 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 للاستئناف كذلك يجب ان يجلب المشتكي المزيد من

المستمسكات لاثبات صحة القضية اذا ارسلت الاستئناف فيما بعد او لم تظيف

مستمسكات اخرى سوف ترفض القضية للمرة الثانية.

4 للمزيد من المعلومات الكابتن مايكل لبيدا 318-845-1022.



Three Man Commission



The commission has decided to:

_____ Approve \$ _____

X _____ Deny

the claim of _____ (b)(6) ;

CPT (b)(3)(b)(6)
President
6 OCT 07
Date

CPT (b)(3)(b)(6)
Judge Advocate
10 OCT 07
Date

CPT (b)(3)(b)(6)
Judge Advocate
9 OCT 07
Date

X _____ Combat Activity
_____ Insufficient Evidence
_____ Unknown Enemy
_____ Other (explain)

X _____ Combat Activity
_____ Insufficient Evidence
_____ Unknown Enemy
_____ Other (explain)

X _____ Combat Activity
_____ Insufficient Evidence
_____ Unknown Enemy
_____ Other (explain)



DEPARTMENT OF THE ARMY
3D HEAVY BRIGADE COMBAT TEAM
1ST CAVALRY DIVISION, TASK FORCE LIGHTNING
FORWARD OPERATING BASE WARHORSE, APO AE 09336

REPLY TO
ATTENTION OF:

AFBA-3B-JA

03 October 2007

MEMORANDUM FOR RECORD

SUBJECT: Foreign Claims Investigation, (b)(6)

1. **Identifying Data**

- a. Claimant: (b)(6)
- b. Date, time and place of incident: 27 Feb 07, Baqubah, Iraq.
- c. Amount of claim / date request filed: \$225,100.00 / 10 Apr 07.
- d. Description of claim: Property damage.

2. **Jurisdiction.** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 U.S.C. Section 2734, as implemented by Chapter 4, Air Force Instruction 51-501. This claim was filed in a timely manner.

3. **Facts.** The claimant alleges on 27 Feb 07, CF conducted an air strike that damaged his flour factory and killed his two guards. The claimant also alleges that CF along with IA entered and searched his house after the incident and stole about \$4,600 cash and about \$1,150 worth of jewelry from the claimant's wife. The claimant also alleges two AK-47s used for protecting his family and building were confiscated.

4. **Legal Analysis.** Upon review of the allegations against CF, it was found that CF were receiving a high volume of SAF from this building. SIGACTS show CF troops in contact (TIC)

(b)(2)High

building. There is no evidence of CF searching the claimant's house after the TIC or confiscating any money, jewelry or weapons.

5. **Damages.** The claimant's flour factory was heavily damaged from the two 500lb GBUs. The structure was also heavily damaged from bullet holes resulting in CF returning fire.

6. **Recommendation.** That the claim be denied under the FCA due to the combat exclusion.

CENTCOM 002914

CJTF180-SJA

SUBJECT: Foreign Claims Investigation, (b)(6) Local National

7. POC for this memorandum is the undersigned at (b)(2)High or CPT (b)(3)(b)(6) at
(b)(3)(b)(6) @3hbct.army.smil.mil

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

CPT, JA
Foreign Claims Commissioner

Foreign Claims Intake Form

To: 3D HBCT, 1 CD, Foreign Claims Office, FOB Warhorse, Iraq.

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

I am a citizen and national of: Iraq

Name of Unit or US Personnel involved in incident: _____

Owner of property that was damaged: _____

My claim arose at: Bagubah / _____ / _____
Town City Country

My claim arose on: Feb 27 2007 / 1500
Month Day Year Time

Give a brief statement explaining how the claim arose and the nature of the damages. Be sure to include the what, where, when, who, and how of what happened. Write legibly.

What: CF did an air strike that damaged Lis Flour factory.

Who: _____

Where: Bagubah - (b)(6)

When: _____

How: _____

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

\$ 225,100 local _____

(b)(6)

Signature of Claimant

Name of ~~Attorney~~ Cousin
1/5 Mitt Kirkuk

(b)(6)

Subscribed before me this 10th day of April, 2007.

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

@us.army.mil

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

CENTCOM 002916

To whom it concerns.

(b)(6)

manufacture area.

Feb/27/2007 in 3PM fire shot started and at that time I was in my house in the company's building with my family consist From my wife and kids and I was having one of my relative with his wife and her brother. After that the fire shot sounds increased so I went to one of my house corners and after that I heard a huge explosion in the company as a result From the air strike and after that in 7PM I heard a voice of Iraqi army and the U.S.A army and I asked my wife to ask the help from them.

And they heard our cry out and the cry of the children's and after that I came down from my hose as the requested.

And then they separate the women and children from me and my cousin and after that they asked me to identify the gourd bodies inside the company and they are (b)(6) and they died because the air strike and the random shooting when the Iraqi Army entered the company and they start to shoot fire randomly and after that one of the American soldiers gave me a piece when you break it .it dose give light and he gave me four of them after that I went to my family .and the Iraqi Army start to insulate me and abuse me and when I showed them the company ID that am working in it .then the American solider told me to go in my own and after that iv been surprised by the rubbery of my property and money in my house in the raid that did happened .and its estimated by 4,600 dollar and my wife jewelry's 1,500,000 Iraqi dinners And then one of soldiers told me that there were insurgents in the company and my answer to him was: that this is wrong because there in no any personals or bodies in the company except the gourds bodies.

And then after that one of the American soldiers took a big bag and starts to collect some kind of small rockets in the company hall and put them in the bag and took it with him

And then my children's and my family start crying harder and harder because of the miserable situation that we were in which was very hard situation.

And then one of the Iraqi army soldiers start threaten me by killing me with out any reason then he told me after that to line up all the family in one place me and my cousin ,his wife ,his sister in law ,my wife and our children's

.and at 7:30 PM of the same day I went outside the area according to what I asked the American soldiers

So me and my family be safe and I broke those pieces and one of them gave red and the other one green light .i went to one of the company employees from the company and I spent the night in his house with my family .and in the morning of the next day I went to company and I saw the destruction in the company without any reasons to be mentioned .and I didn't see any bodies except the bodies of our company gourds .and we used to have just two AK-47 rifles to protect the company and one of the American soldiers examine the weapons by smell the and he found that it didn't shot . And the American soldier confiscate on them

**His signature
March /20/2007**

(b)(6)

Pages 11 through 13 redacted for the following reasons:

foreign language

ر في الساعة السابعة والنصف من نفس اليوم ما راً
 ذهبت خارج المنطقة حسب طبي من الكندي الاكبريلي
 ولكي اسلم على نفسي ومن معي من عائلتي طيب من
 اقوم بغير القطع المذكور سابقاً. وتوفي لوز افطر
 وواحدة امر. وذهبت الى احد بيوت منسبي الشركم
 القريب من مقر الشركم وقضيت الليل عند مع عائلتي
 رثاني يوم صبيحاً ذهبت الى الشركم وشاهدت الدمار الكامل
 في الشركم بدون اي حيب يذكر.
 ولم اُشاهد في المنطقة جثث غير جثث هراس شركتنا
 وكان يوجد لدينا اسلحة من نوع فقيف كلاسكوف عدد ٥
 ثاب الى هراس الشركم لحماية الشركم وقام احد الكيود
 الاركان يحميها عن طريق قس الانفا ولم يتبين عنها
 هروج اعيده خارج من السلاح المذكور. ولقد استولى
 عليها الجيش الاكبريلي.

هذه اما دني
 المدق ٥ / ٤ / ٥
 عامر ام محمود

Foundation contract

(b)(6)

Startup capital (5000 000) five Millions Iraqi Dinar
1st: Company name (b)(6) **company.**

2nd: the company center: Diyalah province and it can branches in Iraq.

3rd: the company goals: progress and support the national economy in the industrial field.

4th: the company activity: Investing the establishment license in name (b)(6) (b)(6) been issued from the Industrial office No. (23729) in April 28, 2000 that it will be belong to the company when the foundation procedures according to the law No.23 in 1998 and the regulation from it the company will.

- 1- Build buildings and storages and warehouses to do their activities.
- 2- Be part on the pets and contracts of all the governments' side and according to its industrial field.
- 3- Do all the trade actions concerned in their stuff and can buy and sell and rent all things related to make its purposes and it can marketing its products according to the right laws.
- 4- To buy and own the transferred and non transferred money also included transportation means and sell them if it used or incase it don't be needed and rent them and act with all the legal actions it have the right to contract and sign contracts that it seems appropriate and necessary to achieve its purposes.
- 5- Have the right to buy and own all the rights that it's admitted by the law as included the industrial and trade relations.
- 6- To deal with all the banks and financial foundation and must do all the bank paper works related its work.
- 7- To use the specialties and experts and technical and engineers and mechanics from the Iraqis to manage its factories and its equipments and expand it, and make the scientific and technical researches to develop this industry and increase the production capacity and to improve the quality of the product, and to low down the cost of production and the industrial spends. .
- 8- Be part of establish companies and mange in it.
- 9- Insure all the property and the factory financials and financial acts related to its activities.

5th: the Company startup capital: (5000, 000) five Millions Iraqi Dinar
divided to (5000000) five millions share the value of each is one Iraqi
Dinar.

The founders' names

#	Carrier	Nationality	Stocks	Signature
<u>1</u>	Industrial	Iraqi	2,000,000	
<u>2</u>	Industrial	Iraqi	1,250,000	
<u>3</u>	Industrial	Iraqi	1,250,000	
<u>4</u>	Industrial	Iraqi	500,000	

(b)(6)

(b)(6)

We are the above signed we agreed to establish (b)(6) company with a startup capital five (b)(6) Millions Iraqi Dinar, according to the foundation contract, and this is after getting approval from the companies registration Department and based on the companies law No. 21 1997. That all the regulations in this law apply in what has been mentioned in the foundation contract. Above the amount of stocks with the name of each founder, the founders assign a registration agent lawyer (b)(6) to precede the company foundation's procedures.

The names of recent owners

#	name	Carrier	Nationality	Address	Stocks	Signature
<u>1</u>		Industrial	Iraqi		2,000,000	
<u>2</u>	(b)(6)	Industrial	Iraqi	(b)(6)	1,500,000	
<u>3</u>		Industrial	Iraqi		1,500,000	

The contract have been organized by the registration agent (b)(6)

(b)(6)

Pages 19 through 22 redacted for the following reasons:

foreign language

((This report wrote by an engineer in the technical branch to his manger in the ministry of trading in Baqupah))

The respected manager
Sub /damages estimation

We took a look on the (b)(6) to estimate the damages on the company as a result from the air strike by the American air plains that happened mistakenly and we found out that the building general material damages including the building and equipments as follows:

1-constructure damages.

The company consists from (b)(6) stories including the basement and the damages in the building are as follows:

The basement / the damages is 30%

The floor / the damages is 40%

The (b)(6) floor / the damages is 60%

The floor / the damages is 70%

The floor / the damages is 90%

The above mentioned percentages is approximated a according to the damages in the doors and windows also the glass and some of the building parts fall down and other parts crackdown and these damages resulted from the American air strike .

2- The material damages.

That it's happened to the machines and some parts of the building fall on some of the machines and the damages of these equipments according to the building damages plus there is damage in the two vehicles also the destruction of the falling coverage and the grain and the vehicle garage.

3- The company will stop from receiving the grains for six months to build and fix the equipments.

**His signature
Engineer**

(b)(6)

**The technical branch
March -1-2007**

Pages 25 through 30 redacted for the following reasons:

foreign language

/Assessment of Damages to (b)(6)

(b)(6)

To / whom it concern

We would like in the beginning, to define the type of work of our company (b)(6) in Diyalah province. Baqubah in AL MUA'ALMEIN Q 1st industrial area and belongs to

(b)(6)

And the ownership of the company is from the land and the buildings and the machines and trucks to transport and apartments for the technical staff.

(b)(6)

The company consists of the commissioner manager, a financial manager, a storing manager, a company mailman, a sales manager and the technical staff (ten person's) and cleaning workers and grand receiving workers and the loaders (total 30 person's) so the total will be approximately 50 employees.

And the company benefits ten dollars for each ton of grains from the ministry of trade and the silage is for the company and the productive capacity is 100 tons from grain in a 24 hour period and to receive grain from 1,500 tons to 2,500 tons per month. This does depend on the receiving of the other companies of its share and in the last months our company received 2800 tons per month because the companies in KHAN BANY SAAD stopped working and processing grains from the Ministry.

On 27 February, 2007 at 3:30 PM our company was damaged from a Coalition Forces Air Strike which resulted in human, financial and emotional damages and also resulted in the killing of two of our company guards. The following is a full report on the damages.

- 1- Steel facilities structures. The purpose is to protect the (b)(6) (b)(6) from rain. It has been destroyed. total cost is: (\$19,000.-dollars)

- 2- Damages in the all (b)(6) stories of our Primary Offices and Factory building. The damages totally destroyed the filter room completely in the last store and other civil structures damaged from the fire caused by the air strike is estimated at (\$21,000.- dollars)
- 3- The company also lost two trucks. Their estimated value by (\$4,300.- dollars)
- 4- The (b)(6) floor consists of our (b)(6) and damaged to their systems, its transmission, its electrical motors and all the glass tubes have been damaged. Also a part of the electric power board has also been damaged. It is estimated at: (\$10,000.- dollars)
- 5- An 8 ton steel (b)(6) container has been badly damaged. Repairs are estimated at: (\$3,500.- dollars)
- 6- Two (b)(6) belt transfer systems (Boxed-Augur type transferring machinery) has been completely destroyed. Estimated replacement costs is: (\$1,600.- dollars)
- 7- (b)(6) floor consists of the same type of system above in #6, (Boxed-Augur type transferring machinery) and glass tubes. All the glass tubes have been displaced and destroyed in all the electrical motors. Estimated at: (\$7,800.- dollars)
- 8- Flour elevators (two) have been damaged by shrapnel pieces and burned the moving belts. Estimated at: (\$1,500.- dollars)
- 9- (b)(6) elevators (two) suffered the same damage. Estimated at: (\$1,500.- dollars)
- 10- (b)(6) consists of a "saffater", or a filter system, (three of them) which is a machine that separates the flour from the silage and consists of electrical motors (three each) set inside a wood frames (270 frames). Each wood frame has some silk material in it to isolate the flour from the impurities in the grain. The floor was completely destroyed also with the electrical board of the whole floor estimated at: (\$30,000.- dollars)
- 11- The (b)(6) floor consists of air tubes with air locks with (b)(6) It has been hit by shrapnel with damages to the electrical board housing. Estimated at: (\$4,000.- dollars)
- 12- The (b)(6) moisturizer floor had damages in the (b)(6) moisturizer device and it needed to be replaced and also destroying of brain (wet grain transferring machine) with the electrical motors and destroyed the powder room. Estimated cost: (\$8,000.- dollars)

13- Because of the air strike and shrapnel and the fire in (b)(6) most of the lighting system with its wiring network with the electrical cables to run the electrical motors were badly damaged. Estimated cost: (\$4,000.- dollars)

14- The company needs time of between four to six months to be able to work again and the specialized technical crew to rebuild our factory. They want (\$30,000. - dollars) for repairs for the company.

15- The company earns almost nearly (\$15,000.- dollars) per month and the cash flow will have to stop being earned for at least the next five months, so our total costs as a loss will be, at a severe minimum estimate, at least: (\$75,000.- dollars)

16- All the glass windows of the company were destroyed, along with the steel doors. All the walls will have to be repainted again as well as some parts of the company, including the building and several machines. This is estimated at: (\$3,000.- dollars)

Dear Gentlemen, right now I can not rebuild the company from my own pocket because I do not have this amount of money and it is the only source of earning a living for me and my family is the company.

I hope from you, to study my request and to give me the mantel and financial support to me and my (b)(6) family. And I ask only for assistance so I can run the company again and bring back our company staff so that they are employed once again. They are now with out jobs. Also this will allow our company to once again supply the flour to the whole province once again.

Sir, my request is to get the 1st payment (25%) from the total amount which is (\$225,100.- dollars) until I can get the approvals to issue the whole amount and complete the necessary paper work and rebuild my factory once again.

The commission manager

(b)(6)

March -20-2007

**((This memorandum sent from (b)(6) Company to
the civil defense headquarter in BAQUPAH))**

**To/ Civil Defense headquarter –DIYALA Branch
Sub /checking request**

**We requesting you to come and check on (b)(6)
because it been hit by Air Strike by the American airplanes and ground
weapons that is result in to the destruction of the company in
FEB/27/2007**

The commission manager

(b)(6)

(b)(6) **the officer of civil Defense office BAQUPAH
ALJADEDAH to take the necessary actions
((the comment above wrote by the civil defense headquarter manager in
BAQUPAH))**

**His signature
The manager
March /7/2007**

Page 35 redacted for the following reason:

foreign language

Death certificate
Certificate #: 071803
Date march/13/2007

Name: (b)(6)

Nationality: Iraqi

Religion: Muslim

Died in: march-11-2007

Reason of death : broken in the skull bones and fire shots in his body

Pages 37 through 39 redacted for the following reasons:

foreign language, b(6)



CENTCOM 002948



CENTCOM 002949



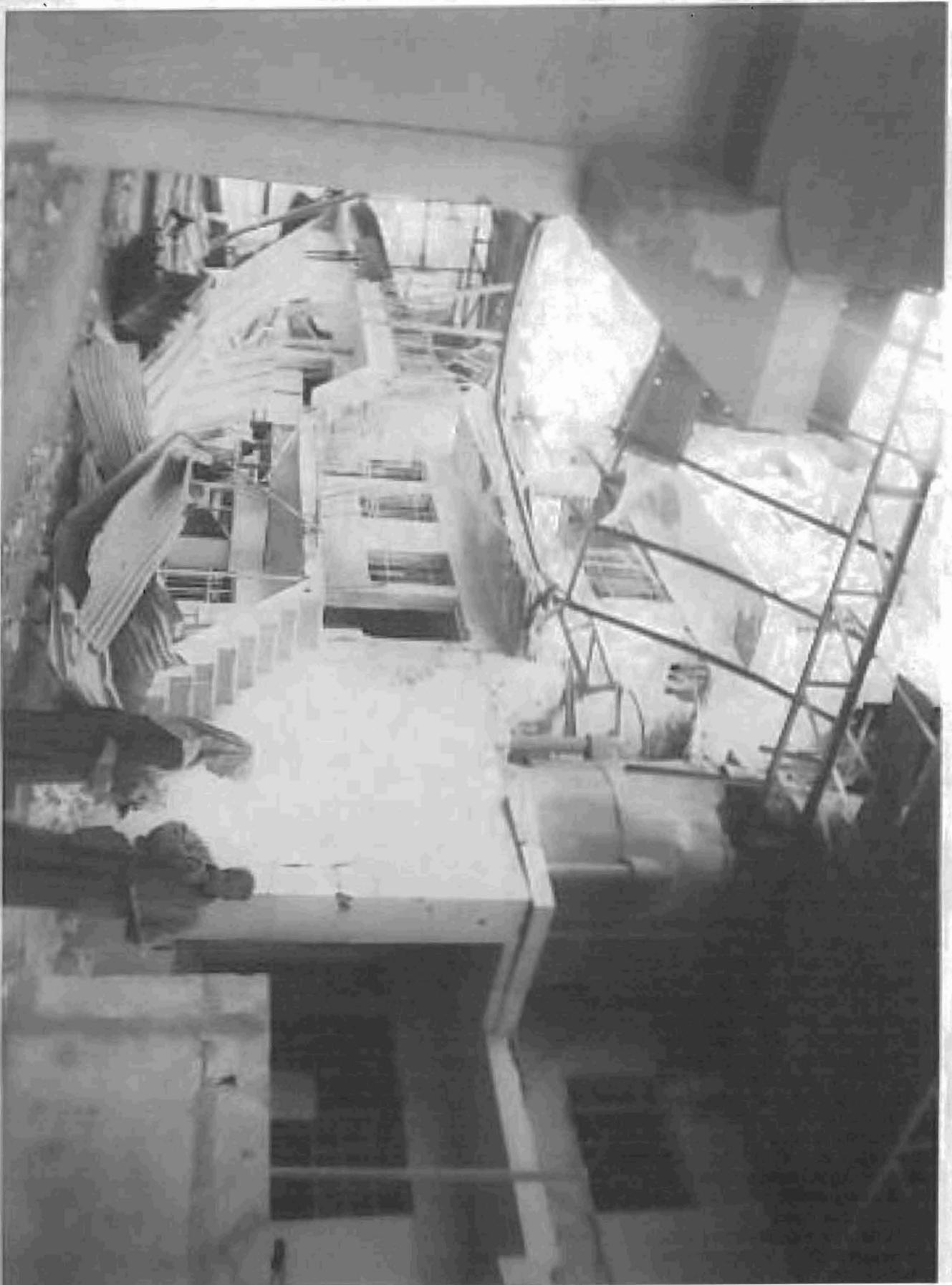
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CENTCOM 002953



CENTCOM 002954



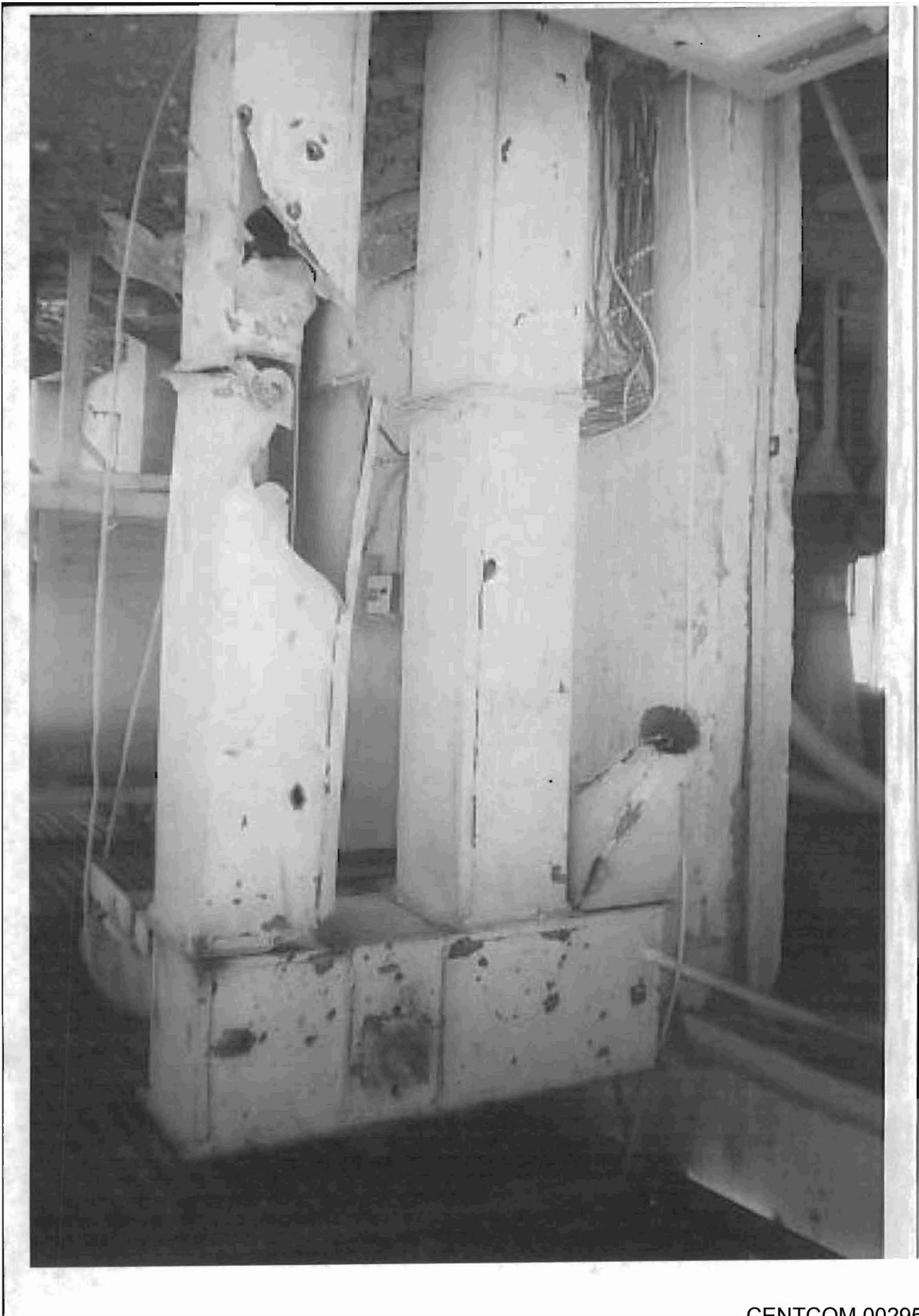
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CENTCOM 002957



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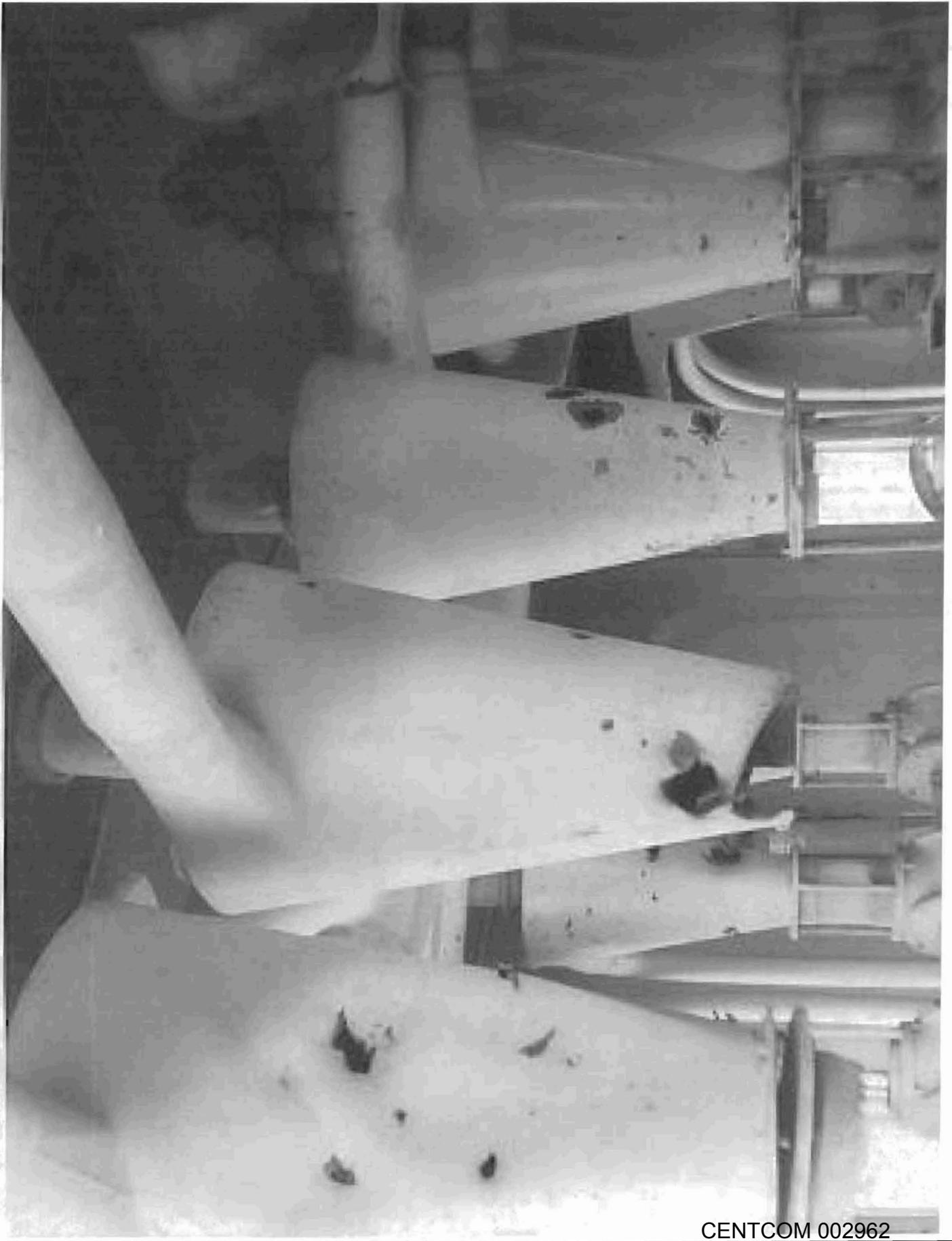
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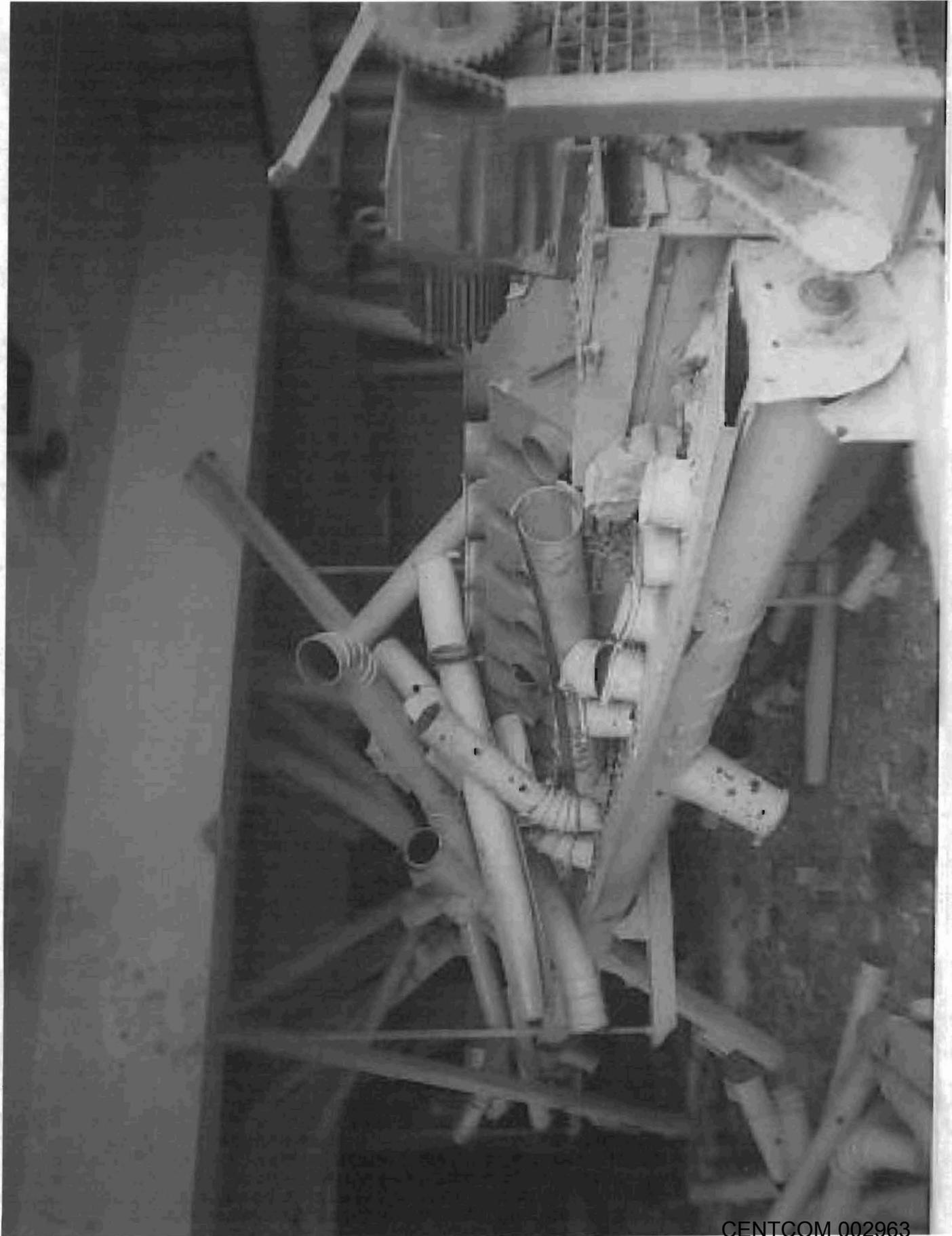
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CENTCOM 002961



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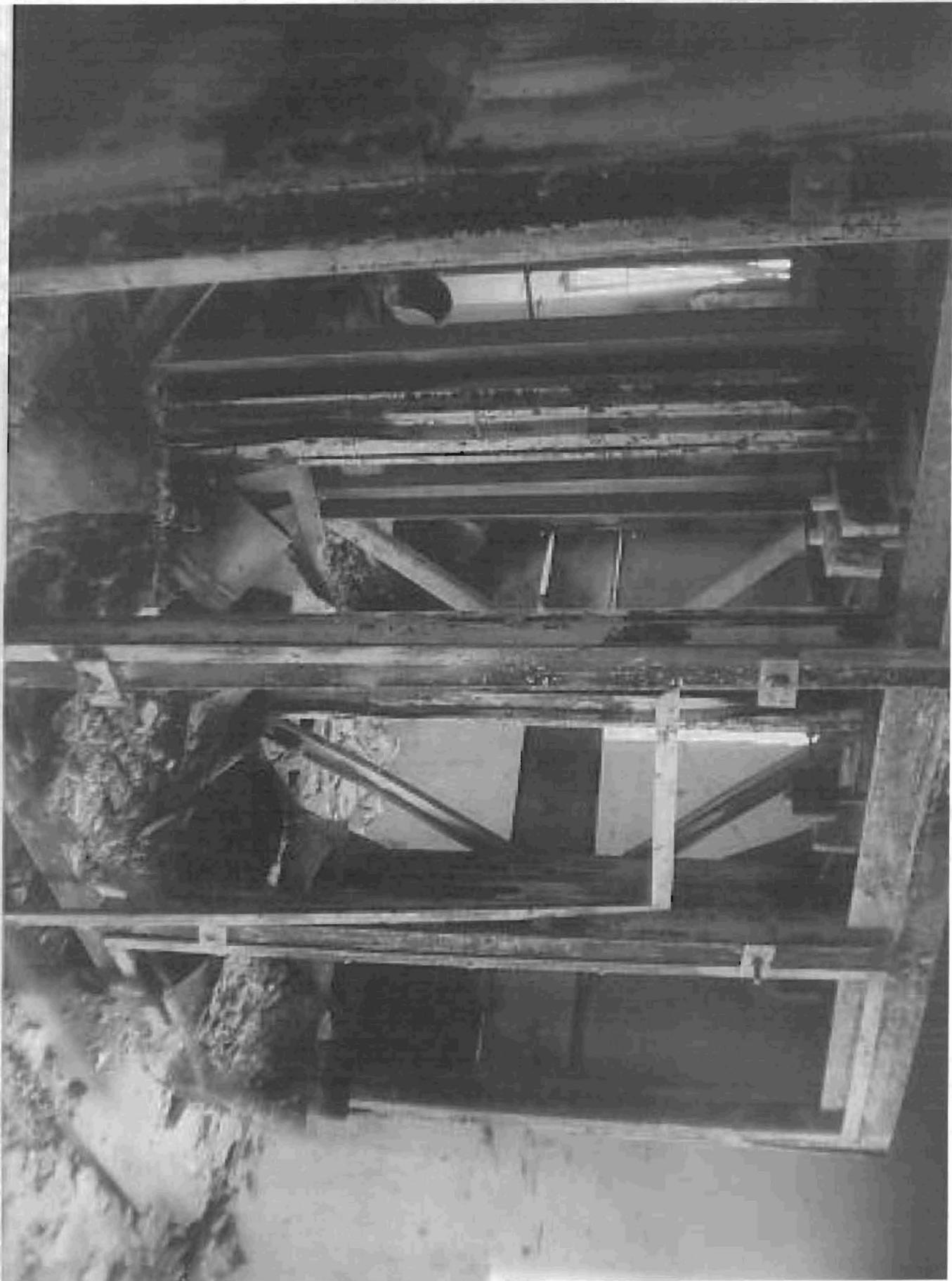
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CENTCOM 002975