DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA 14 December 2006

SUBJECT: Claim of (b)(6) 07-I14-T065

1. Claimants name and address (b)(6) Kirkuk, Iraq.

2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 27 August 2006 in Kirkuk, Iraq.

3. Amount of claim and filing date: Claimant filed a claim in the amount of $2,500.00 on 4 December 2006.

4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for a wrongful death.

5. Facts:

a. (b)(6) claims that on 27 August 2006, the ESU and CF shot the claimant's son when he ran away because he was a gas smuggler but the CF thought he was a terrorist.

b. There was a coroner report and a witness statement included in the submitted claim.

c. The incident was able to be verified by the unit responsible.

6. Opinion:

a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

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b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for $2,500.00 is denied.

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

CPT, JA
Foreign Claims Commissioner

CLAIM FOR DAMAGE .OR INJURY DEATH	INSTRUCTION: Please read carefully the instruction on the reverse side and supply7 information requested on both sides of this form .Use additional sheets (s)	person From approve MBC
1.submitt to appropriate Agency AMER	2-.Name of claimants &Address (b)(6) (b)(6) 07-I14-T065	

3.TYPE OF EMPLOYEE	4.DATE OF BIRTH	5MARITAL STATUS.	6.DATE& DAY OF ACCIDENT	TIME:
	(b)(6)		27-AUG -2006	11 AM

The claim

On the mention date and time while my son ((b)(6)) was refuelling his car on (b)(2)High gas station a group of ESU and CF attacked and killed him by the coalition forces ,they killed him because both groups thought when he run away from ESU hands he was intending to explode the car he left in the gas station but the real truth is ,because my son is a gas smuggler he formed the reservoir of the car to contain more volume of benzene and he knew that he will be jailed if they catch him, for that reason he run away.

PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER THAN CLAIMANT (NUMBER, street, city, state, city, state, and, zip code)

10 Personal injury/wrongfully death

Wrongfully killing

WITNESSES

NAME	ADDRESS

Amount of claim (IN Dollars)

12A PROPERTY	12b PERSONAL INJURY	12c WRONGFUL DEATH	12A
		$2500	$ 2500

I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a.SIGNATURE OF CLAIMANT	13b.Phone number of signatory	14c.Date of claim
(b)(6)	(b)(2)High	29-11-06

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM	CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

CORONER REPORT 27-08-06

physical describtion of the victim

fathers name: (b)(6)
Mothers :
Tall : Midume
Skin colar : Tan

Report :-
his body was totaly disformed the head and the ends were cut, the body was carnated ;

Signed by
(b)(6)
Coronor of Hawja hospital

foreign language, (b)(6)

Deposition

Eyewitness ((b)(6))

- On the same date I was on the line waiting to refuel my car, a group of C.F and ESU presented there. the ESU arrested him for smugling benzene but he run away from their hand. the C.F.'s thought that he is a terrorist and because he left his car there, ~~his inte~~ they assummed and he intend to bomb the car therefore they killed him

Page 6 redacted for the following reason:
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(b)6 Foreign Language

CLAIM NUMBER: 07-I14-T 065

DATE	REMARKS	INITIALS
4 Dec 06	Open	
7 Dec 06	CERP paperwork is made	)(3), (b)(
14 Dec 06	Denial paperwork is made because the 3IBCT	
	XO did not approve for the CERP	

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

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