(191)

07-I32-T145

CENTCOM 010263
07-I32-T145-00001

Notified 10 Mar 08

07-I32-T145

(b)(6)

(b)(6)

MTL

* INPUT INTO JAGCNET
22 JAN07

(b)(6) 13 Mar 08

DENIAL CLAIM FILE CHECKLIST

- [x] Action Memo Denying the Claim
- [x] Decision Memo
- [x] Claim Summary Sheet
- [x] Supporting Documents (ID Card, Ownership, Statements, etc.)

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF:

AFYB-JA

18 February 2008

MEMORANDUM OF OPINION

SUBJECT: Action on Claim of (b)(6)

1. Claimant's name and address: (b)(6)

2. Date and place the incident occurred giving rise to the claim: Incident occurred on 14 November 2005, in Aldora on the road from Baghdad, Iraq.

3. Amount of claim and the date it was filed: Claimant filed a claim in the amount $50,000 on 21 September 2006.

4. Chapter(s) 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 personal injury.

5. Facts:

A minibus was driving from Baghdad to Aldora. When it arrived in Aldora an American tank hit the minibus killing some passengers and injuring others. This claimant filed a claim for $50,000 claiming broken hands and bruises to his chest.

6. Opinion:

a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members of civilian employees of the Armed Forces. Additionally, a settlement authority may pay a claim even if injury results from a criminal act clearly outside the scope of employment. See AR 27-20, para 10-3a.

b. It is our opinion that this claim cannot be approved because there is not enough evidence to establish that the harm was caused by non-combat activities or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. Our information states that all claimants and their families of this accident have been paid. If the claimant can provide additional evidence then he may resubmit his packet. Such additional evidence may include: proof of being in the minibus; a police report stating he was involved in the accident; a hospital bill in addition to the doctors note in the packet; or any other evidence bolstering the claim.

7. Action: This claim in the amount of $50,000 is denied.

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

CPT, JA
IJ4

CPT, JA
IJ4

CPT, JA
IJ4

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

REPLY TO ATTENTION OF:

AFZN-BC-FCC

Claim of (b)(6) 07-I32-T145

ACTION

1. Facts: The claimant alleges that on 11 November 2005, his brother was killed in a vehicle accident involving US Forces.

2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.

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)

CPT, JA
FCC I92

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION--BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

March 11, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)
Claim #07-I32-T145
Baghdad, Iraq

Dear Sir:

You have submitted a claim seeking compensation for the death of your brother in a vehicle accident with US Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army
Foreign Claims Commission I92

Resubmit

CLAIMS CHECKLIST

CLAIM NUMBER:

CLAIMANT'S NAME: (b)(6)

AMOUNT OF CLAIM: $ 50,000

DATE OF INCIDENT: 11 Nov 05 **DATE FILED:** 21 Sep 06 Refiled 19 may 07 **DATE RECEIVED:**

CLAIM TYPE:

- ☐ Vehicle Damage
- ☐ Detainee Property
- ☐ Damage During Raids
- ☐ SAF Damage/Injury
- ☐ Real Estate
- ☑ Other Death

CLAIM AROSE FROM:

- ☐ Combat Activities
- ☒ Non-combat Activities

CLAIM IS:

- ☐ Payable
- ☒ Not Payable

BRIEF OVERVIEW:

Resubmit New evidence on Top

REMARKS:

Recommend Approval (Denial) Still Deny.

REVIEWED BY: SGT (b)(3)(b)(6) **DATE REVIEWED:** 20 May 07

FCC COMMENTS

Forward back to division w/ new evidence

DATE APPROVED/ DENIED: _____

- ☐ DENIED
- ☐ Denial Memo

Personally denied by SGT (b)(3)(b)(6) on 12 Mar 08

- ☐ APPROVED
- ☐ Amount Approved: _____
- ☐ Approval Memo
- ☐ Settlement Agreement
- ☐ SF 1034
- ☐ Disbursing Officer Memo

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF

AFVA-JA

26 December 2006

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of (b)(6)

1. Facts. A U.S. tank ran into a bus that the claimant's brother was driving on 16 November 2006. The accident killed the claimant's brother and some of the passengers. Claimant filed a claim for $50,000 alleging that U.S. Forces are responsible for his brother's death.

2. Opinion. In order to form a basis for a claim under the Foreign Claims Act, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. It is our opinion that this claim cannot be approved because there is **not enough evidence** to establish that the harm was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

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

CPT, JA	CPT, JA	CW2, JA
FCC I28	FCC I28	FCC I28

Accident happend on [redacted]/2005
first claim on 21/11/2006 all people
in the accident were compensated. The claimant
was sick at that Time. He made a claim
later on 7/8/2006 it is deny on 5/2007
lack of evidence. He reconsideration and deny
Too.

Dear Sir

1- on the date 4-10-2005 I had an infection inthe car. the accident is the shock between our car with amerecan tank and as a result for this accident the passenger whom set beside me with two women dredead. also some of passengers had a simple infections. One of women named (b)(6) hadsubluxation in her leg and brocken in and the amerecan force got her to eben-sina hospital.
But for me they only exit me from brocken car and leave me in the road until Iraqi police came and got me to Alyarmook hospital and after the checking for me the found the following

a- broken in the right hand
b- broken in the left hand
c- bruises about in chest
d-(e)cerbral thrombosis
e- hybertension
f- amissibility

07904611026
07901168680

2- The amerecan force gave
for all passengers whom had simple
infections by (1500000) ID.
3- For (b)(6) they gave her (8000000 ID)

4- I still goto doctor (b)(6)
for treatment to and this
got from me big money and my
Sallary is not good because I spent
all what I have for this treatment.
5- I gave a request by a lowyer
(b)(6) and it lost
in your side and I gave another
one and you refuse it because
the unacurate documents.
and this third one.
I wish you get my request
in your kindly.

Best regards

(b)(6)

-4-2007

full stop

Foreign Language Text

These Report has been translated in English please see the previous paper in English

Foreign Language Text

Foreign Language Text, (b)(6)

has been translated in English full story

4th Brigade Combat Team – Claims Info. Sheet
4th Infantry Division

(b)(6), (b)(2)High

Today's Date SEPT-21-2000

CLAIMANT NAME	(b)(6)	**ID NUMBER**	
PHONE NUMBER			
DISTRICT:			
ADDRESS	Section: 821 Street: 23 House: 12 Other:		

CLAIM INFORMATION

- ☑ Injury ☐ Death ☐ FCA Damage
- ☐ ☐ Confiscation (☐ Car; ☐ Weapon; ☐ Other)
- ☐ FCA/Solatia ☐ Real Estate ☐ Other _____
- ☐ Reconsideration
- ☐ Shooting ☐ Bombing ☐ Raid ☐ Vehicle Accident ☐ Arrest ☐ UXO/IED ☐ Other

DATE OF INCIDENT	Nov-14-2005	**LOCATION OF INCIDENT**	Aldora	**AMOUNT CLAIMING**	$ 50,000

FCA CLAIMS SUPPORTING DOCUMENTS

- ☐ Proof of Ownership ☐ Receipts ☐ Diagram ☐ Police Report ☐ Statements ☐ Pictures ☐ US Note ☐ Hospital Report ☐ Judicial Decision
- ☐ Other : _____
- ☐ Death Certificate ☐ Medical Reports (☐ Iraqi ☐ US) ☐ US Note ☐ Division of Property Form from the court

Name of Deceased: _____ Age:_____

Marital Status: ☐ Single ☐ Married (number of wives/kids ____, ____)

Nature of injury: _____

- Is it permanent? _____
- Will injury require follow up surgeries? _____
- Does this injury affect the individual's ability to earn a living? _____

GENERAL INFORMATION

- Are there any discrepancies in the evidence? _____
- Do the medical records confirm the "story"? _____
- Do the pictures confirm the "story"? _____
- Other notes regarding evidence: _____
- Is this related to any other claims? _____

TRANSLATOR NOTES:

The claimants said while they were coming from Alnaqut to Bakhadad the in minbus when they arived ~~near~~ Aldora the amirean tank ~~run~~ offer runover the car and many people were dead and now heasking for ~~xx~~ compensation because he was apparalled he couldn't coming and fellow him claim -

Translator Estimate of damages: $_____

NCOIC NOTES

Recommend Denial all minibus claimants were payed out already. Sig act gave specific amount of civilians hurt or killed and all families have been paid. (b)(3)(b)(6)

ATTORNEY NOTES

☐Approved $ _____ ☐Denied *(Circle)* Evidence Combat Ops Other

Page 15 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Nonresponsive, (b)(6)

The police officar inform the judge about the onwer statement.

The onwer ship of the Minbus said that his car exposed to an accident By American tank near Fob falcon on 11/4/2005 and some passenger were dead And now the onwer asking compensation for his car damage -

The onwer need copy of the Document that he asked the police - The police office gave him one.

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

The statement of the owner of the Minbus.

His name (b)(6) He was born on (b)(6) He living at (b)(6) (b)(6) After the judge know him by his ID he gave his statement. He said that on 11/4/2005 his car ~~He exposed~~ (b)(6) type Kia Model (b)(6) exposed to Accident by the one of American Tank on the Main street between Baghdad and Mohamoudea closed scania location. At that time the car was driving by Naaem Shunshool. now he asking for compensation for damage his Minbus. and he would make aclaim against American forces.

and this was statement that what he saying.

Foreign Language Text, (b)(6)

The state ment of The owner of The Car.

he add that in nov-4-2006 his car exposed
To an accident crshing by with American Tank, near
Skania location and The driver a been dead.
and the onwer asking for compensation.

Full story of the
Accident

The patrol traffic found Minbus damage (b)(6)
By american tank on the high way (Jakson street)
Near Scania company and the accident caused
Death of alot of people fellow dow thier names.

1-
2-
3-
4-

(b)(6)

5- And there were some person injuried
fellow down thier names.

1-
2-
3-
4-
5-
6-
7-

(b)(6)

The police said that because the health of injuried
very bad at that time so they could'nt
investigated of them. The doctor who treat

The injuries handed over his Report -
The police wrote down the statement of
(b)(6) and (b)(6) and they
linked with investigation papers -
The police exam location accidout and diagram
too -
The send the car to the Pa Automatic
exam -
They examed the Bodies of victams and
send to the Medical justic institute -
So as to explain the reason of Dead -

(b)(6) 12/3/2007

Foreign Language Text, (b)(6)

with accident 4 person

Langua

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

eyes witness

He said while he was in the car on the high way near Scania Company American tank coming crashed Minbus and caused a lot of damage some people were injuried the other were dead and he requrit to made aclaim against to american forces.

The witness (b)(6).
he was born in (b)(6)
his work (b)(6)
Living in (b)(6)

Foreign Language Text, (b)(6)

The policeman patrol told the policecenter about the accident.

Foreign Language Text

The report from the Dr who treats the claimant
The report show that. The Dr examed the claimant
on Nov/4/2005 at 6.00 Morning.
The claimant was conscious during time examing
All the activity was vital.
The abdomen was Soft.

Name of Dr - (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Save as Front

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF

AFVA-JA

26 December 2006

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of (b)(6)

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2. Opinion. In order to form a basis for a claim under the Foreign Claims Act, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. It is our opinion that this claim cannot be approved because there is **not enough evidence** to establish that the harm was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

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

CPT, JA	CPT, JA	CW2, JA
FCC I28	FCC I28	FCC I28

Foreign Language Text, (b)(6)

Langua

Foreign Language Text, (b)(6)

n Language Text

oreign Language Tex

n Languag

Langu

Langu

n Languag

Broken on the right hand, at the hand. damage with nerve too.

Broke on the left articulation on the back

up to this Report the [illegible] was in hospr

broke on Anger, on right hand

CENTCOM 010292

07-I32-T145-00030

Foreign Language Text, (b)(6)

Ration food

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

M. B. CH. B, DM, CABM. MRCP (Londan)
Consultant Neurologist

Foreign Language Text

Foreign Language Text

To whom it may concern.
this patient has got head
injury & got cerebral haematoma.
& was got epileptic attack
the last one was before 3 weeks
Now, he is on Tegretal tab
20 mg oz. with My Regal.

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

his articulation Back was bro
on the left ramp.

broke on the bone on
the left hand and damage
Serve too.

till these repo

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Te

Foreign Language Text

(b)(6), Foreign Language Text

Foreign Language Text, (b)(6)

Page 36 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
(b)(6), Foreign Language, Already Reviewed and Redacted for Release

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 39 through 40 redacted for the following reasons:
- -
(b)(6), Already Reviewed and Redacted for Release
(b)(6), Foreign Language, Already Reviewed and Redacted for Release

The injuries handed over his Report.
The police wrote down the statement of
(b)(6) and (b)(6) and they
linked with investigation papers.
The police exam location accident and diagram
too.
The send the car to the Ro Automatic
exam.
They examed the Bodies of victims and
send to the Medical Justic institute
So as to explain the reason of Dead.

(b)(6) 12/3/2007

Pages 42 through 44 redacted for the following reasons:
- -
Already Reviewed and Redacted for Release, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Page 47 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Foreign Language Text

CLAIMS CHECKLIST

07-I32-T145

CLAIM NUMBER: M71

AMOUNT OF CLAIM: $50,000.00

CLAIMANT'S NAME: (b)(6)

DATE OF INCIDENT: 16Nov06 **DATE FILED:** **DATE RECEIVED:**

CLAIM TYPE:

- ☐ Vehicle Damage
- ☐ Detainee Property
- ☐ Damage During Raids
- ☐ SAF Damage/Injury
- ☐ Real Estate
- ☒ Other

CLAIM AROSE FROM:

- ☐ Combat Activities
- ☒ Non-combat Activities

CLAIM IS:

- ☐ Payable
- ☒ Not Payable

BRIEF OVERVIEW: On 16 November 2006 the claimant states that while his brother was driving a mini-bus, with passengers an American tank ran into the bus and killed the claimants brother and some of the passengers.

REMARKS: There are pictures of the bus, and it appears to have been hit by something large, there is no claims card in the packet, there is no death certificate for the claimants brother, and in the other claims info sheet, it states that from a SIGACT, all the families of the dead driver and passengers were paid already. I recommend that the claim be denied, due to lack of evidence from the claimant and that the family members were already paid. Unable to find ANY SIGACT for this event (b)(3)(b)(6)

REVIEWED BY: SPC McDowell, Sean **DATE REVIEWED:**

FCC COMMENTS

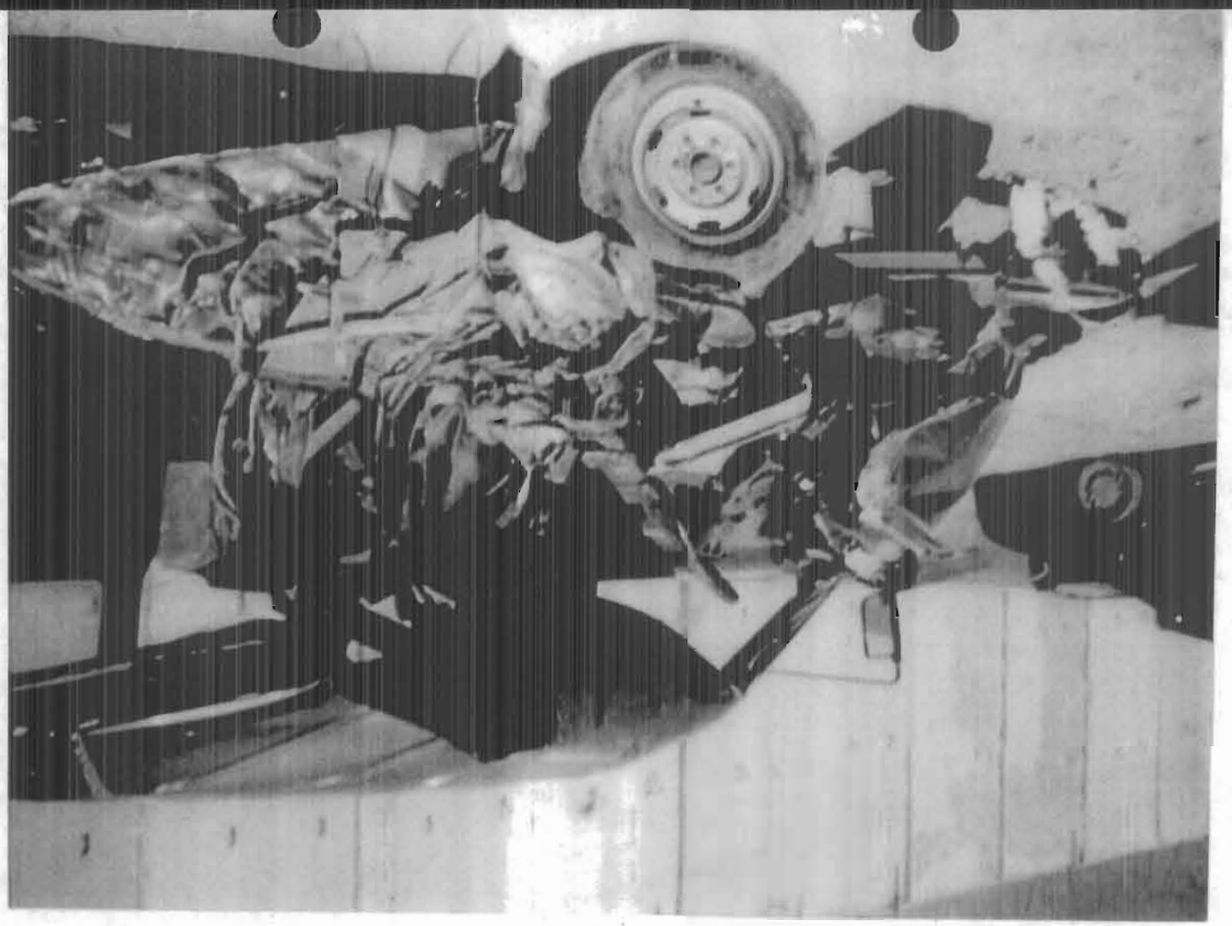
denied

DATE APPROVED/ DENIED: _____

- ☐ DENIED
- ☐ Denial Memo

- ☐ APPROVED
- ☐ Amount Approved: _____
- ☐ Approval Memo
- ☐ Settlement Agreement
- ☐ SF 1034
- ☐ Disbursing Officer Memo

Page 49 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Already Reviewed and Redacted for Release, (b)(3), (b)(6)



Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

(b)(6)

(b)(6)

(b)(6)

CENTCOM 010318

07-I32-T145-00056

CENTCOM 010319

07-I32-T145-00057

CENTCOM 010320

07-I32-T145-00058

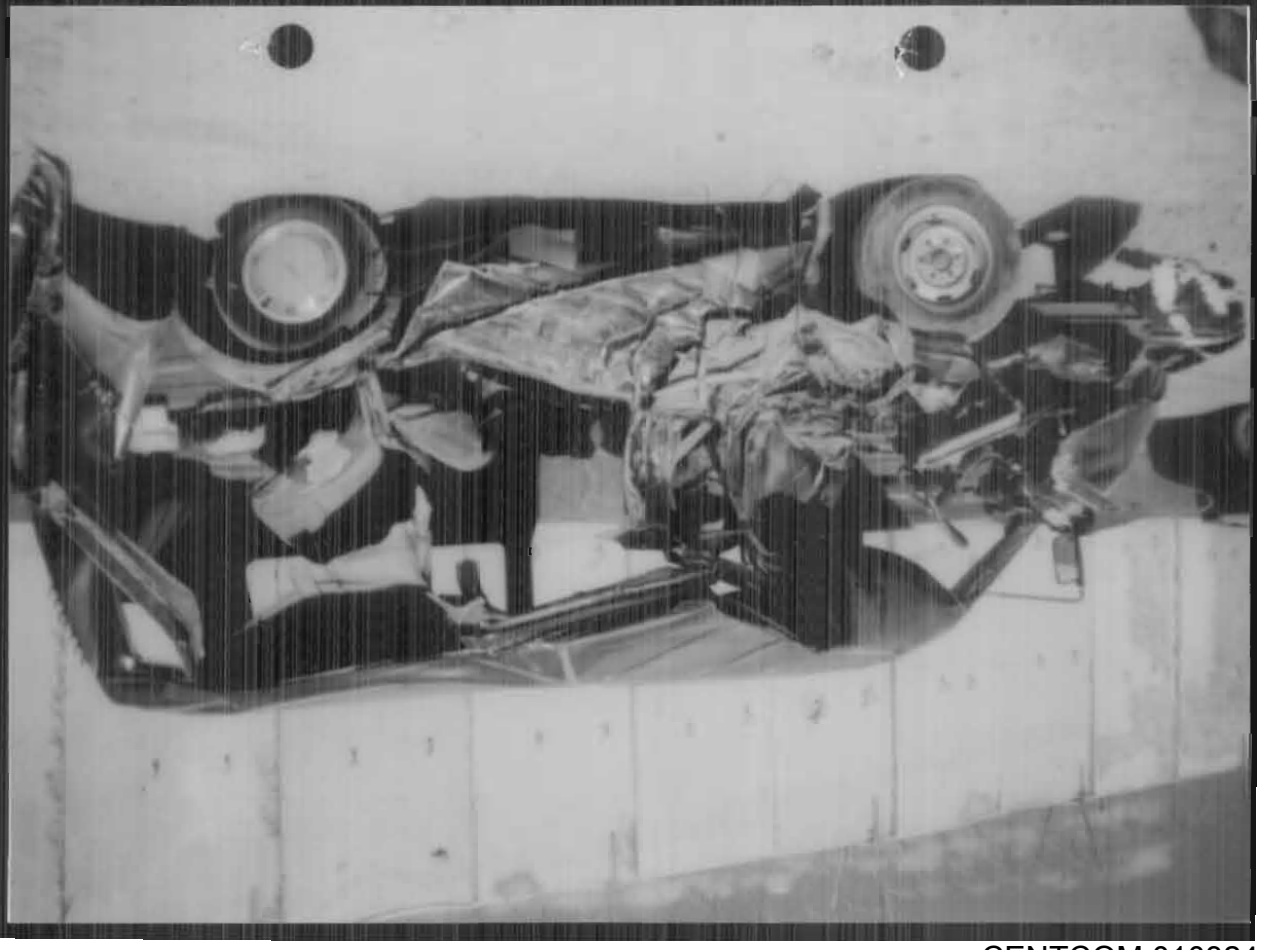
CENTCOM 010321

07-I32-T145-00059

CENTCOM 010322

07-I32-T145-00060

(b)(6)



CENTCOM 010324

07-I32-T145-00062

CENTCOM 010325

07-I32-T145-00063