

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

7-141-468



REPLY TO
ATTENTION OF

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

APVG-JA-C

30 August 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] (b)(6) 07-141-468

1. **Identifying Data:** [REDACTED] (b)(6)

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on June 23, 2007 in Al Alam, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$66,000 on 27 Aug 07.

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's nephew was driving himself and another man to the pharmacy to pick up medication for Claimant's father. The two men were out after curfew. Claimant alleges his nephew and the other man were attacked and killed by U.S. Forces for no reason. The truck was also destroyed. Claimant provided pictures of the destroyed vehicle, a photo of Claimant's nephew, a letter from LTC [REDACTED] (3),(b)(6) (acting Deputy Commander for the Salah Ad Din PRT), memorandums from the Provincial Joint Coordination Center, witness statements, police reports, a legal expert estimate, and a diagram of the incident.

6. **Opinion:** A claim is not payable if it resulted from "action by an enemy or...directly or indirectly from an act of the armed forces of the United States in combat." 10 U.S.C. §2734(b)(3). Investigation revealed an ongoing operating in the area and that U.S. Forces engaged and killed the two men. Although the specifics of the incident are highly classified, the Judge Advocate from the unit involved confirmed that the engagement was a "clean shoot." Consequently, U.S. Forces were engaged in combat activities and therefore the claim is not compensable under the Foreign Claims Act.



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ATTENTION OF

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

APVG-JA-C

11 September 2007

MEMORANDUM FOR Record

SUBJECT: [(b)(6)] Claim

1. Mr. [(b)(6)] (Claimant) filed a claim at the COB Speicher CMOC on 27 August 2007 for an incident that occurred on 23 June 07. The TF Lightning Three Member Foreign Claims Commission, comprised of three Judge Advocates, denied his claim on 31 August 2007 pursuant to the Foreign Claims Act. Mr. [(b)(6)] claim may be considered for a CERP payment. For further information, please contact me at

[(b)(3),(b)(6)]

DSN: 318-845-1022, or VoIP 242-1011.

[(b)(3),(b)(6)]

CPT, JA
Chief, Claims



REPLY TO
ATTENTION OF

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

7-141-468
11 Sep 07

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 318-845-1022.

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

Chief of Claims

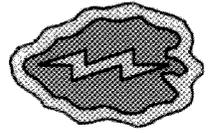
APVG-JA-C

SUBJECT: Claim of [redacted] (b)(6) 07-141-468

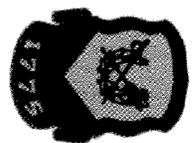
7. **Recommendation:** Recommend this claim be denied.

[redacted] (b)(3),(b)(6)

CPT, JA
Chief, Claims



Three Man Commission



The commission has decided to:

Approve \$ _____

Deny

the claim of [redacted]

7-141-468

Related to 7-141-469

CPT [redacted] President

[redacted] Judge Advocate

CPT [redacted] Judge Advocate

Date 31 Aug 57

Date 2 Aug 07

Date 31 Aug 2007

Combat Activity
 Insufficient Evidence
 Unknown Enemy
 Other (explain)

Combat Activity
 Insufficient Evidence
 Unknown Enemy
 Other (explain)

Combat Activity
 Insufficient Evidence
 Unknown Enemy
 Other (explain)

18 Sep 07

Comparison class
7-241-469

TF Lightning
Foreign Claims Cover Sheet

(b)(2)High, (b)(5)

Claim Amount: 15,000.00 Location: Al Abu

Next Apt: 12 Sept 07 Contact Info: (b)(3),(b)(6)

(b)(2)High

Check Intsum Check Sigacts None
Check Investigation Spreadsheet Personally Verified (b)(6)

Approved Denied (b)(6)

Goodwill Payment Recommended: _____
 Approved: _____ Denied: _____

MVA RAID LOST NEG FIRE REAL LAND
 OTHER: _____

Pages 9 through 10 redacted for the following reasons:

(b)(6), Foreign Language
Foreign Language, (b)(6)

Foreign Language Text, (b)(6)

Page 12 redacted for the following reason:

(b)(6), Foreign Language

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

CPT Iraq, 25th ID, SJA

From: (b)(6)
Sent: Wednesday, August 22, 2007 8:59 PM
To: (b)(3),(b)(6) CPT Iraq, 25th ID, SJA
Subject: RE: claim

Follow Up Flag: Follow up
Flag Status: Red

Sir

there was a raid at that night
4 chappers were in that area
too many soldgers were there

it was an emBush...those to guys I know them , one of them was close friend to me , he was a poilce man,, the other one was a student , he's taking care of his family cuz his (b)(6), the student took his friend to go get medical staff for his father from the clinic close to their house, and the US soldgers were hiding in the both sides of the road,, the guys didn't notice that it was an imbush till they became in the middle of the soldgers.. the soldgers start shoting towards the car and killed the 2 young guys at once

u know me.. if they were bad guys i won't help them as u know but those guys didn't make any mistake and they didn't thret the life of the soldgers plz Sir... i know those guys and i know that their families depends on them to feed the kids and the women..
thank u

(b)(6)

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

CPT Iraq, 25th ID, SJA"

(b)(3),(b)(6), (b)(2)High

wrote:

(b)(6)

Can you explain to me exactly what happened? What were the two young guys doing?

Do you know why they were killed? Do you know if they were bad guys?

Thanks.

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

-----Original Message-----

From: (b)(6)
Sent: Tuesday, August 21, 2007 10:26 PM
To: (b)(3),(b)(6) CPT Iraq, 25th ID, SJA
Subject: claim

Dear Cpt
hope u all fine
this is (b)(6)

i wanna ask u plz about some claim happened in (b)(6) (b)(6) 23 Jone
07, 01 am

the CF raided a house up there and by accident 2 young guys came in the middle of this action,, the CF killed those 2 guvs and burn their car, they admitted this action , the car belongs to (b)(6)
the people form (b)(6) wants to know if it's possible to get paid of wat happened to the car
let me know ASAP plz.

thank u Boss

ur's

(b)(6)

Iraq.

(b)(6)

Nonresponsive

Page 15 redacted for the following reason:

Already Reviewed and Redacted for Release, (b)(3), (b)(6)

TF Lightning Claims Intake Form

Name of Claimant: (b)(6)

- Iraqi ID Card Seen and Identity Verified
Iraqi Resident
Iraqi ID #
Copy of Iraqi ID Provided
(Hometown is)

POA/Attorney Name

- Power of Attorney provided
Original Seen
Names Match
If POA, state relation

Decedents (if applicable list names below)

- 1.
2.
3.
4.

Claim arose at: Al Man City, edit text
(Town) (City)

Claim arose on: 23 July 2007
Day Month Year

Time of Day: 0630

Proof of Ownership: (b)(6)

- Vehicle VIN Number Match
Sales Contract Provided
Land Deed (Name Match)
Other (explain)
If POA, state relation

Death Certificates

- Original Seen
Cause of Death
Name Match
Age of Decedent

Medical Report/Legal Expert Opinion

- Legal Expert Report Attached: (total damages \$ 16,000)
Medical Report (State type and severity of injury)

Brief statement of the incident on which the claim for damages is based.

Claimant was driving late at night through a town when a CE shot at him. He was hit in the chest and died.

Incident verified through SECRET records. U.S. Forces shot & killed both individuals during a combat operation. Consequently, the claim must be denied as combat activity.

(b)(2)High

Witness Statements

1. *Witness #1:* (Name) (b)(6) Eyewitness

Synopsis of Testimony: Personality to see injury was shot by CF
because he was CF himself not other people

2. *Witness #2:* (Name) (b)(6) Eyewitness Consistent w/ First
 Same Story as First Witness

Synopsis of Testimony: _____

Itemized expenses/damages resulting from the property damage or personal injury:

<u>Item</u>	<u>Amount</u>
<u>repair truck</u>	<u>\$50,000.00</u>
	<u>20,000.00 ID = \$16,000</u>
Total:	<u>\$66,000</u>

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

\$ 50,000.00 + 16,000 Iraqi Dinar 20,000 local ID

→ (b)(6)
(Signature of Claimant)

Subscribed before me this 23 day of Aug, 2007

SG (b)(3),(b)(6)
(Pri)

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

Total Evidence Provided (Check all that apply)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Witness Statements (# 2) | <input checked="" type="checkbox"/> Proof of Ownership | <input checked="" type="checkbox"/> Medical Documents |
| <input checked="" type="checkbox"/> Legal Expert Report | <input checked="" type="checkbox"/> Police Report | <input checked="" type="checkbox"/> Photographs |
| <input checked="" type="checkbox"/> Other | <input checked="" type="checkbox"/> Other | <input checked="" type="checkbox"/> Other |
- still needs*

Foreign Language, (b)(6)

Foreign Language Text

(b)(6)

Foreign Language Text

15 July 07

(b)(6)

Incident: 23 June 07

2 deaths

1 IP

1 bodyguard for

LTC (b)(5) at JIC



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 25TH INFANTRY DIVISION
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

MEMORANDUM FOR RECORD

SUBJECT: Waiver of Notification

1. I, the Claimant, hereby agree that if I fail to provide any requested evidence to the CMOC Claims Office within sixty (60) days of the date below or to request a written extension of the sixty (60) day period, such inaction shall constitute an affirmative act of abandonment of my claim, and my claim shall be administratively closed in accordance with the provisions of DA PAM 27-162, paragraph 13-3(f).

2. I further agree that if I wait longer than sixty (60) days from the date below to return to the CMOC to receive notification of the final disposition of my claim or to request a written extension of the sixty (60) days period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance above.

1. انا المشتكى هنا اوافق على اني اذا فعلت في اثبات طلبي بالادلة الكافية الى دائرة الشكاوي (السيمك) خلال مدة (60)
سنة يوما من تاريخ اليوم او طلب التمديد (الاستئناف) خلال فترة ستون (60) يوما ، هذا سوف يسبب عدم تكوين تأكيد
لقضيتي . وبسبب ذلك قضيتي سوف تترك وتعلق اداريا طبقا للقانون (د.ب.ب.م 162-27, من الفقرة 13-3(ف).

2. وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون يوما من التاريخ المحدد من دائرة (السيمك) لاستلام النتيجة
للقرار النهائي لقضيتي او طلب التمديد خلال الفترة المحددة وهي (60) ستون يوما ، هذا سوف يتسبب برفض قضيتي
و القضية سوف تعلق اداريا وفقا للقانون.

Claimant Signature:

(b)(6)

Sworn before

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

on 27 day of Aug 2007.

MEMO

Claim for CF damage to

(b)(6)

(b)(6)

Need ^{7D} ~~for~~ MSG
SEC

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

OR CPT

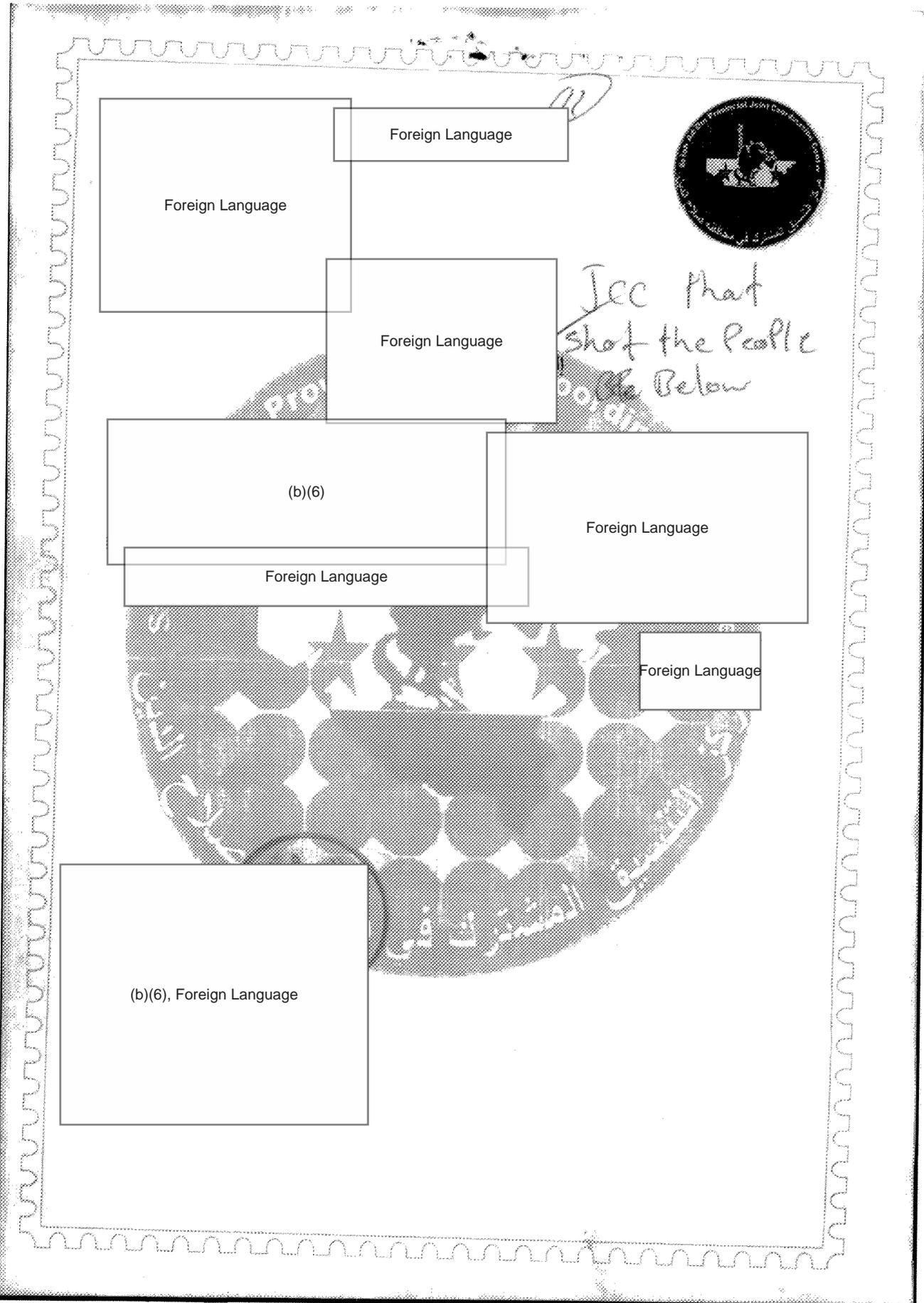
(b)(3),(b)(6)

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

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

Area
CPT
SVOIP

(b)(6)



11



Foreign Language

Foreign Language

Foreign Language

Ice that shot the people below

(b)(6)

Foreign Language

Foreign Language

Foreign Language

(b)(6), Foreign Language

Page 23 redacted for the following reason:

(b)(6), Foreign Language

Foreign Language

Police Dept

(b)(6)

Foreign Language

01:35 U-5 Aircrafts shot a fra
Nissan Pick up and killed

Foreign Language

Foreign Language

two persons inside it

Foreign Language, (b)(6)

Foreign Language

Foreign Language Text

(b)(6)

*Plaintiff statement of the Police
Station:*

Foreign Language Text, (b)(6)

Foreign Language Text

(b)(6)

Foreign Language Text

9

Plaintiff statement at the Police Station

Foreign Language Text

(b)(6)

Plaintiff statement at the Police Station
" "

Foreign Language Text

Foreign Language Text, (b)(6)

Pages 27 through 28 redacted for the following reasons:

(b)(6), Foreign Language

9

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

(A)

(9)

Foreign Language Text

Foreign Language Text

technical report

Foreign Language Text, (b)(6)

(b)(6)

①

Plaintiff's statement AT the court.

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

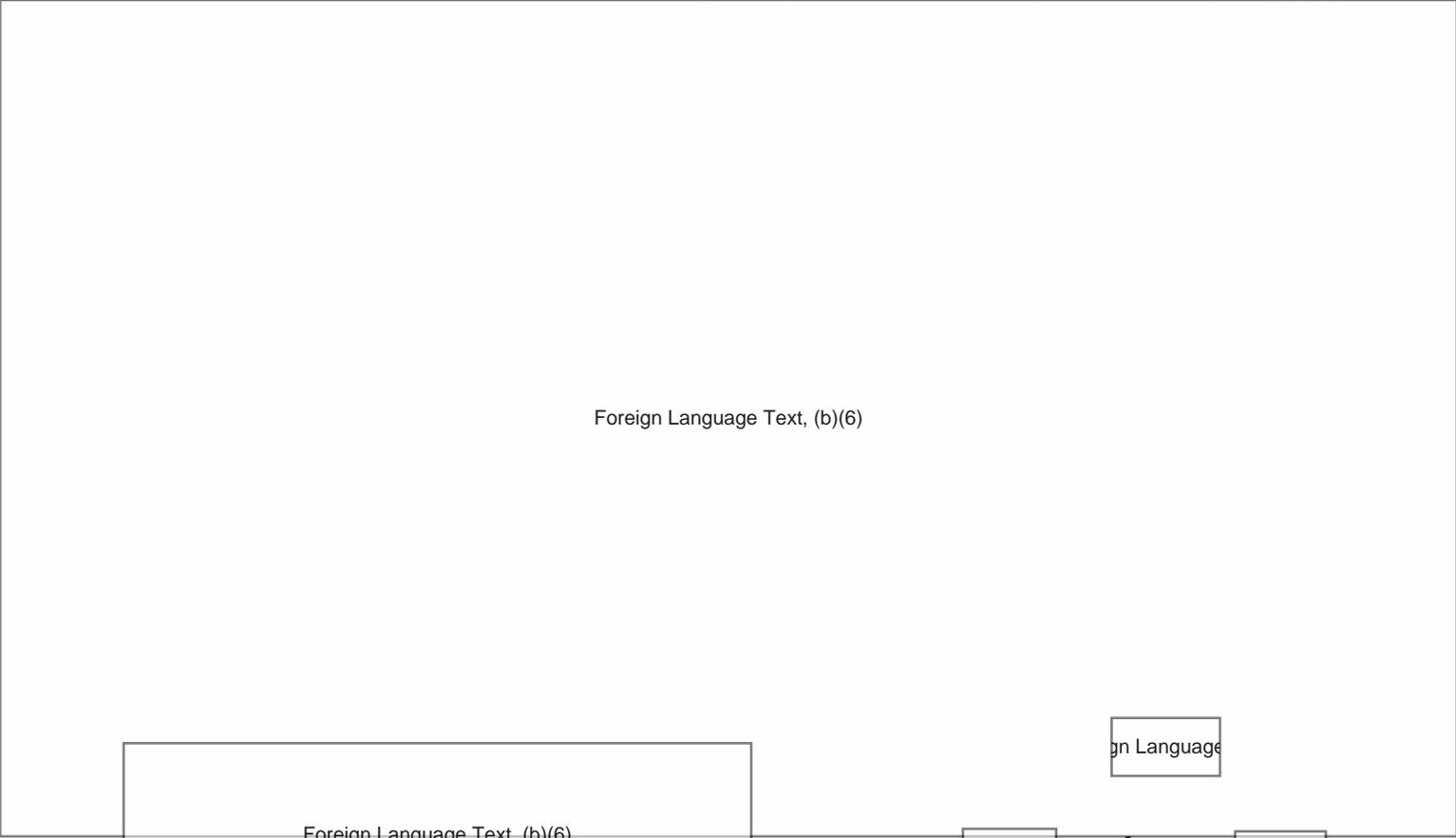
(b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

(5)

Diagram for the Area



Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

①

②

Plaintiff statement of the Police

(b)(6)

Foreign Language Text, (b)(6)

(b)(6)

(b)(6)

Foreign Language Text, (b)(6)

100 statement

Foreign Language Text, (b)(6)

Page 35 redacted for the following reason:

(b)(6), Foreign Language

(b)(6), Foreign Language

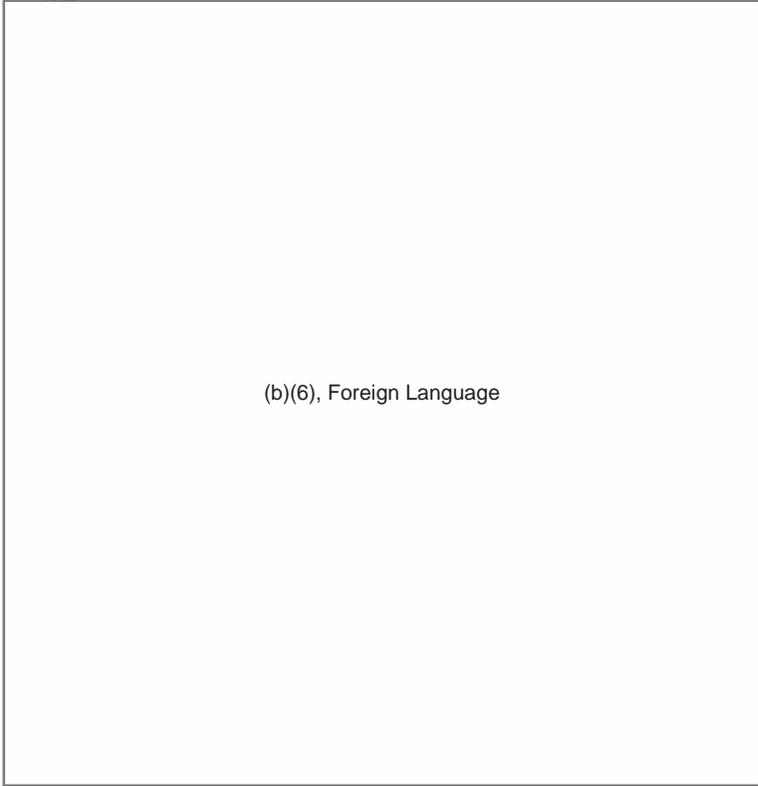
(b)(6), Foreign Language

Foreign Language, (b)(6)

(b)(6), Foreign Language



07-141-468-00038

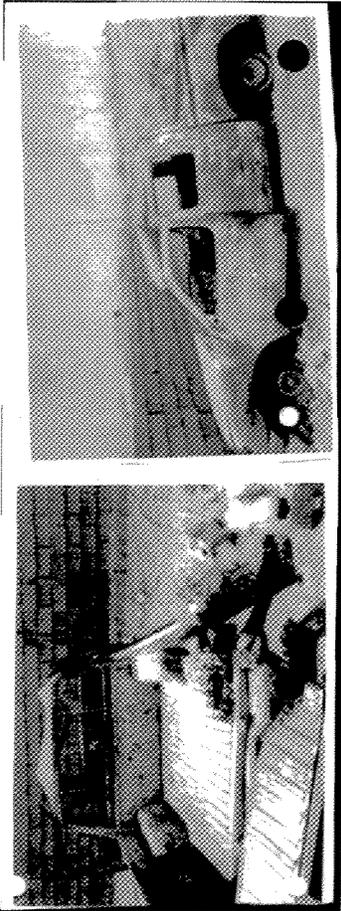


(b)(6), Foreign Language

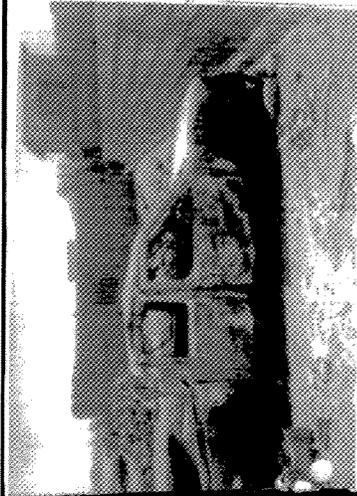
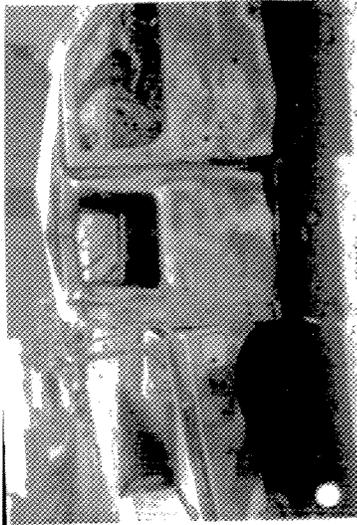


(b)(6), Foreign Language

07-141-468-00039



07-141-468-00040



07-141-466-00041

(b)(6), Foreign Language Text