

(b)(6)

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7D

8 Feb 08

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US 49 & 1107

M... ..

(b)(6)

DENIAL CLAIM FILE CHECKLIST

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

12 Mar 08

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

CLAIMS CHECKLIST

CLAIM NUMBER: 08I92T103	AMOUNT OF CLAIM: \$ 7000
CLAIMANT'S NAME: (b)(6)	
DATE OF INCIDENT: 5 August 2005	DATE FILED: 3 January 2008
DATE RECEIVED:	

CLAIM TYPE:		
Vehicle Damage	Detainee Property	Damage During Raids
SAF Damage/Injury	<u>Real Estate</u>	<u>Other</u>
CLAIM AROSE FROM:		
<u>Combat Activities</u>	Non-combat Activities	
CLAIM IS:		
<u>Payable</u>	Not Payable	

BRIEF OVERVIEW: The Claimant states that her home was damaged and her father was killed when coalition Forces engaged her house on accident

REMARKS:
 Recommend Approval / Denial

The Claim is over the 2 year limit.

REVIEWED BY: SAC (b)(3)(b)(6) DATE REVIEWED: 3 Jan 08

FCC COMMENTS

Deny - exceed statutory period. Unit on claims card is different from unit on memo. Need more information than what is contained on the 2-12 CAV memo - Plus not from our AO

DATE APPROVED/ DENIED: 30 JAN 08

<u>DENIED</u> (b)(3)(b)(6)	APPROVED
Denial Mem.	Amount Approved: _____
	Approval Memo
	Settlement Agreement
	SF 1034
	Disbursing Officer Memo



REPLY TO
ATTENTION OF:

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

AFZN-BC-FCC

Claim of

(b)(6)

,08-I92-T103

ACTION

1. Facts: The claimant alleges that on 5 August 2005, her house was damaged and her father was killed by U.S. 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

February 8, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-I92-T103
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the damage to your home and the death of your father by U.S. 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

Claims Form

طلب تظلم

Name: _____ (b)(6) _____ الأسم:

Address: _____ العنوان:

(b)(6)

I am

a. A national citizen of: Iraq أنا أحمل جنسية: _____

b. A permanent resident of: Abu address ب. عنواني الدائم: _____

c. Employed by: _____ ت: أعمل لدي: _____

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, and Telephone Number)

please see claim card

أنتى أتظلم لدي حكومى الولايات المتحدة للأضرار والإصابات التى نجمت من: (المنظمة , الوحدة العسكرية)

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

House Damage by coalition forces - PARDH DEATH

الممتلكات المتضررة مملوكة من: (إذا كان عذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء أخطار المستمسكات التى تخولكم وتوكلكم للتقدم بهذا التظلم ، أو أي دليل من ممثلين رسميين. إملأ التظلم بالأسفل للأفراد المتقدمين بالشكوى للإصابات أو الأضرار التى أصابتهم.)

My claim arose at: AlRisala Hwy (2 Baghdad Iraq
(Town) (City) (Country)

البلد أو المحافظة

المدينة

القرية

تظلمى قدم فى:

My claim arose on: Aug 5 2005
Month Day Year

تظلمي قدم في: _____
السن يوم شهر

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.)

House Damage by cascading Forces and person death - albert-ed
With Wounded -

باختصار أشرح ما حدث والأضرار التي أصابتك جراء ذلك ، سواء كانت جسمية أو ممتلكات . (الرجاء استعمال خلفية هذه الورقة إن لم تكن الأسطر لتكفي)

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.)

<u>Item</u>	<u>Amount</u>
<u>please see the back of sheet Damage</u>	

Total: _____

أشرح بالتفصيل متي تضرر والكلفة للممتلكات أو للإصابات الجسمية وتكلفتها (الرجاء إضافة الثبوتات والمتمسكات والفواتير الضرورية لكل شيء لوحدته)

تكلفته

الشيء المتضرر

إجمالي التكلفة: _____

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

لدي تأمين على الممتلكات أو الضرر الجسدي المتضرر بما يوازي:

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

\$ _____ I.D. _____

أطالب بتعويض للأضرار يوازي (أكتب بالدولار الأمريكي أو العملة المحلية)

_____ \$
العملة المحلية

I (have/ have not) previously filed a claim relating to the incident described above.

سابقاً (قمت) (لم أقم) بتقديم بلاغ لهذه الحادثة المذكورة بالأعلى

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

لحسن علمي طلب تظلم (قدم) (لم يقدم) لهذه الحادثة المذكورة بالأعلى

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

ملاحظة: بالتوقيع أسفل هذا التظلم فإن تقسم على أن كل المعلومات المقدمة في هذا التظلم هي صحيحة وحقيقية. أي شخص يحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم ضد حكومتنا المتحدة الأمر بكتابة سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات.

(b)(6)

(Signature of Claimant)

توقيع التظلم الرجاء كتابة الاسم والتوقيع

Subscribed to me this _____ day of _____, 200_____

(Signature of Witness)

(Printed Name)

Page 10 redacted for the following reason:

(b)(6), Nonresponsive

Foreign Language Text

(b)(6)



HEADQUARTERS, 2ND BATTALION, 12TH CAVALRY REGIMENT
2ND BRIGADE, 1ST CAVALRY DIVISION
APO AE 09324

REPLY TO
ATTENTION OF

WAGPTO-HIC-S5

MEMORANDUM TO: Claims Office, Government Information Center, Al-Monsour

SUBJECT: Legitimacy of Claim

1. This is to validate the claim of (b)(6) On the 17th of April her home was mistakenly engaged by Coalition Forces resulting in severe structural damage to her home.
2. Her father was also taken prisoner in the same engagement.
3. POC for this memorandum is CPT (b)(3)(b)(6) 12 Cav S-5, 2ND BDE, 1ST Cavalry Division.

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

Battalion S-5

Foreign Language Text, (b)(6)

Certificate
Death

[Redacted]

Foreign Language Text

[Redacted]

Foreign Language Text

'The Location' at the...

(b)(6)

Foreign Language Text

(2)

(b)(6)

RED damage on interior of the house - windows / roof.

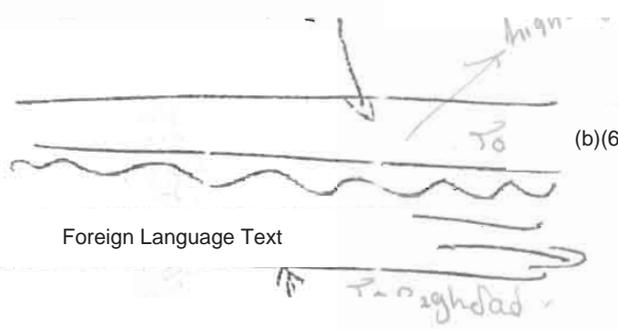
Foreign Language Text

(5)

Foreign Language Text

(1)

[Redacted]



(b)(6)

Foreign Language Text

Foreign Language Text

Foreign Language Text



Foreign Language Text, (b)(6)

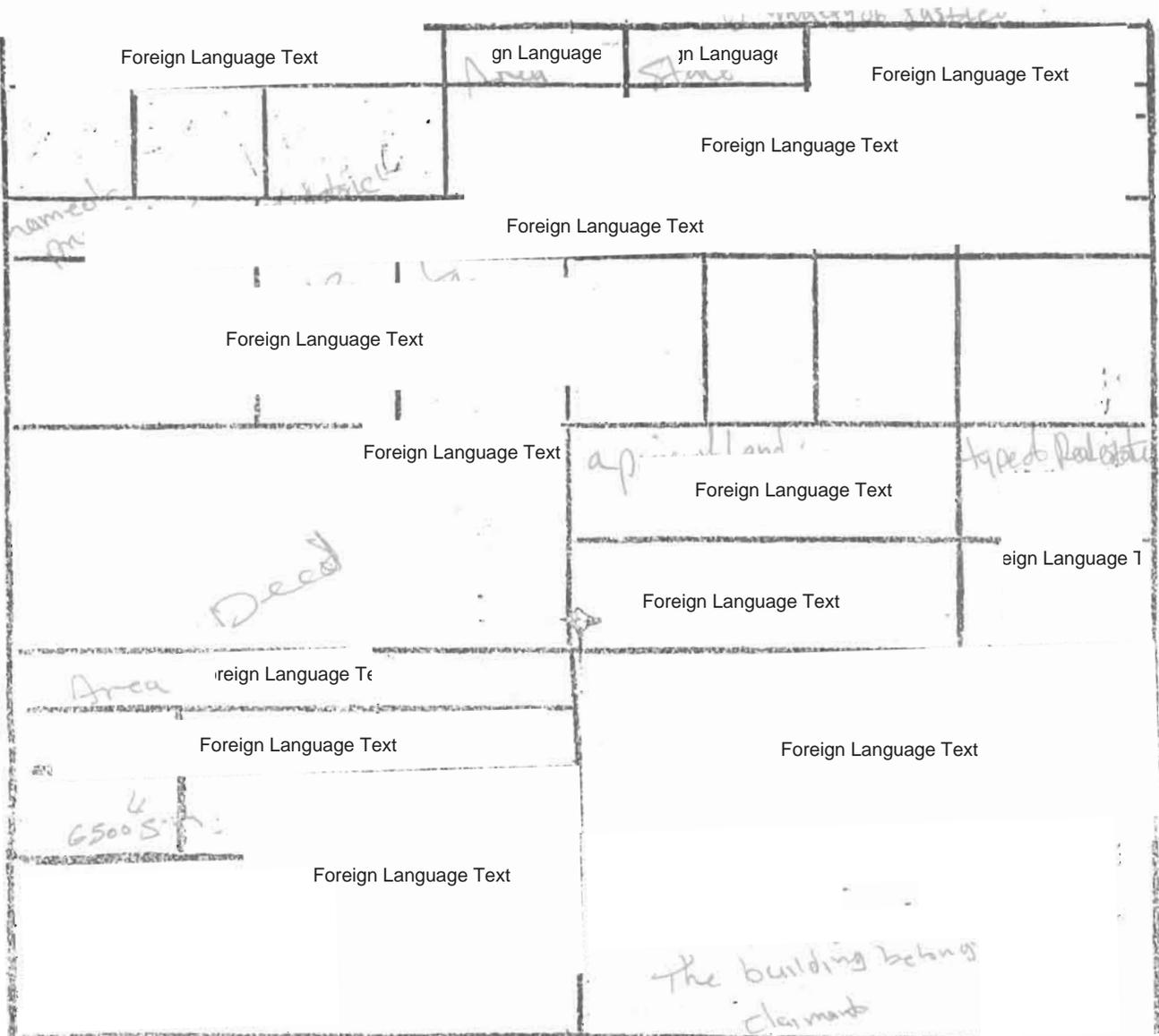
abolition forced shot after to me -
house and killed her father.

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)



(b)(6), Foreign Language Text

Please allow these
Ladies to submit these
Claims as I am personally
tracking the status of A

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

SPL
2 Bct Unit C
Investigating

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

Foreign Language Text, (b)(6)



HEADQUARTERS, 2ND BATTALION, 12TH CAVALRY REGIMENT
2ND BRIGADE, 1ST CAVALRY DIVISION
APO AE 09324

REPLY TO
ATTENTION OF:

WAGPTO-IIIIC-S5

5 May 2

MEMORANDUM TO: Claims Office, Information Center, Al-Mousam

SUBJECT: Legitimacy of Claim

1. This is to validate the claim of (b)(6) On the 17th of April her home was mistakenly engaged by Coalition Forces resulting in severe structural damage to her home
2. Her father was also fatally wounded in the same engagement.
3. POC for this memorandum is CPT (b)(3)(b)(6), 2-12 Cav S-5, 2nd BDE, 1st Cavalry Division.

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

Foreign Language Text

Battalion S-5

IRAQI CLAIMS
ROCKET CARD

WE WILL pay claims to Iraqi civilians for property damage, injury and death caused by US Forces.

If your unit is involved in an incident resulting in damage to property of an Iraqi civilian, or the death or injury of an Iraqi civilian:

1. Fill out the required information below.
2. Give this card to the Iraqi civilian, or other appropriate person in the case of death.
3. Direct the claimant to the nearest General Information Center or the Iraqi Assistance Center. Do not advise them anything.
4. Upon return to your FOB, complete DA Form 1. Describe the incident completely and forward it to your nearest legal office. NOTE: This information is NOT an admission of liability by the soldiers involved and will be used only to substantiate a claim against the US Army.

UNIT HIT 4th ACP
 DATE 5 Aug 05
 LOCATION NR 1/98-918
 TYPE OF INCIDENT Small Arms

Illegible Text, Nonresponsive

about original claim card.

She said that while her son trying to make the claim he got shot and killed so he lost the original.



السلام عليكم ورحمة الله وبركاته

أخي الأديب - المحترم. مثل الأصدقاء التي لم تكن بقية - سر
السرور جسيمة من إسبانيا إلى لغزو ، أو موت لا مسح
المقربين ، وكان سبب وراء تلك القوات الأمريكية ، فقد يكون
في التوضيح.

للتقدم ببرنامج المطالبة بمدك الرجاء إحصاء الأسي: هذه الخفاة
المدفونة مع كل الأوراق الرسمية للمنظمة بهذا الأمر والتي تضم
مثل (صور للتعريف، شهادة الشهادة ، تقرير الشرطة ، ووصول
أو تسليم ، وثائق الملكية لما ختم أو تصدق ولما تحول أو
على ترويض عنه ، ورمسة لسياسة إن كنت تحمل رخصة).

الرجاء إحصاء هذه المستندات إلى مركز المساعدة لمرافق
التأهيل (Camp Taji) ، بوابة كتر (Gunner Gate). أو
المركز العسكرية: التور - نيساز - الكاتونية - الرشيد - د
الرضوية - الرصافة - الأملات.

شكراً لتعاونكم معنا



Foreign Language Text, (b)(6)

CENTCOM 010997

08-192-T103-00021



[Redacted]

[Redacted]

[Redacted]

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

claimant ID.

[Redacted]

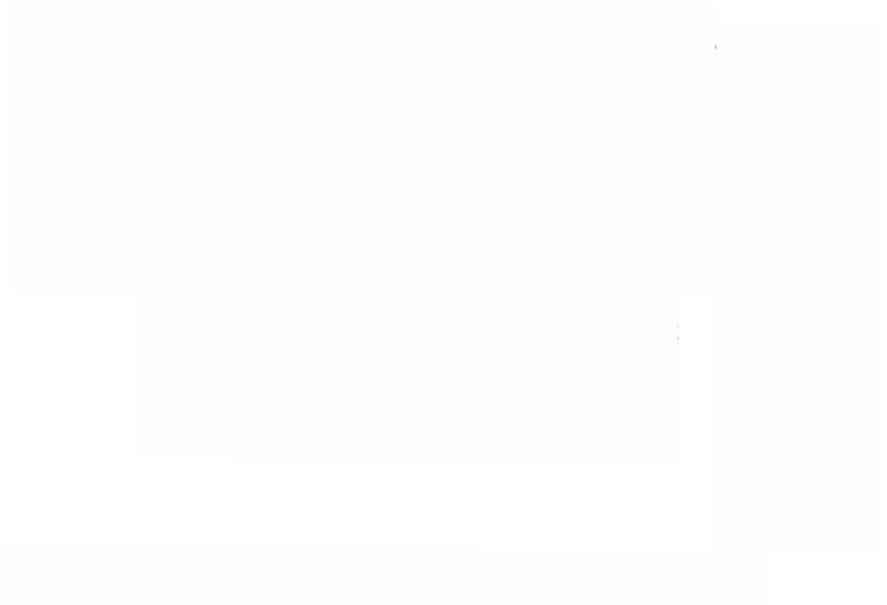
[Redacted]

Foreign Language Text, (b)(6)

[Redacted]

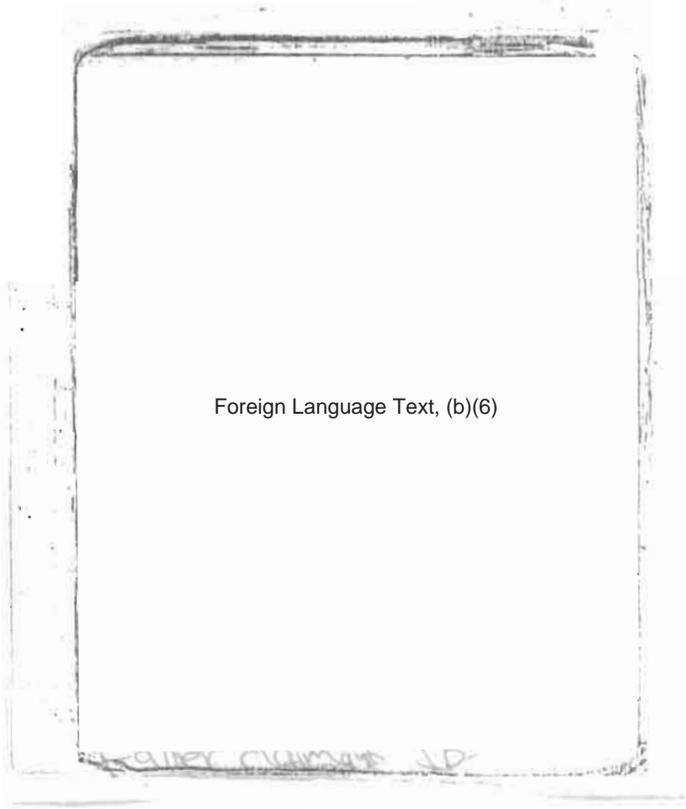


Foreign Language Text, (b)(6)

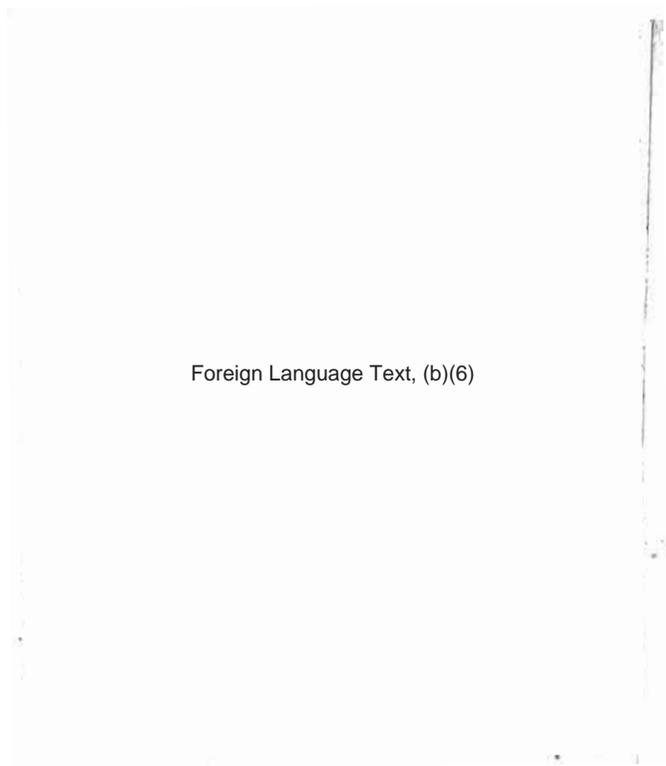


Page 24 redacted for the following reason:

Foreign Language Text, (b)(6)



Foreign Language Text, (b)(6)



Foreign Language Text, (b)(6)



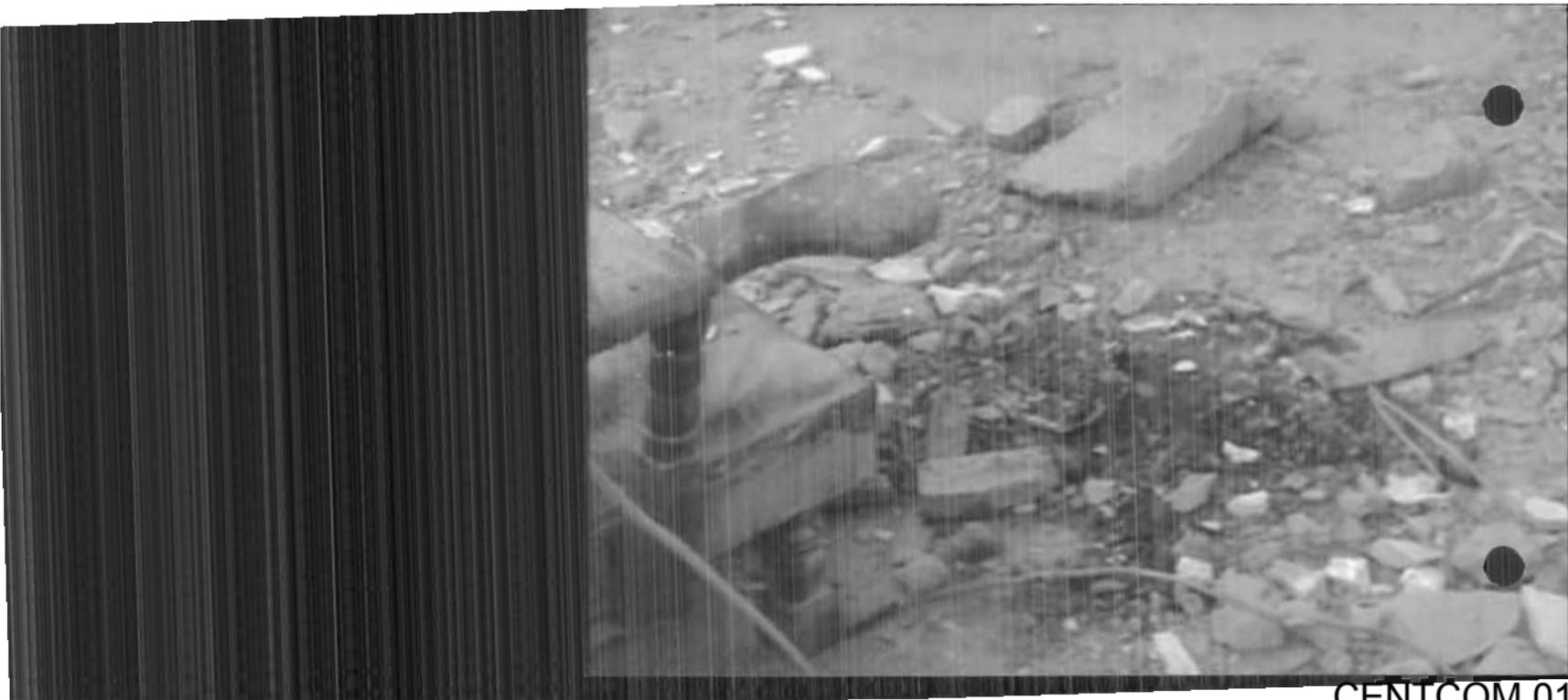
CENTCOM 011002

08-I92-T103-00026



CENTCOM 011003

08-192-T103-00027



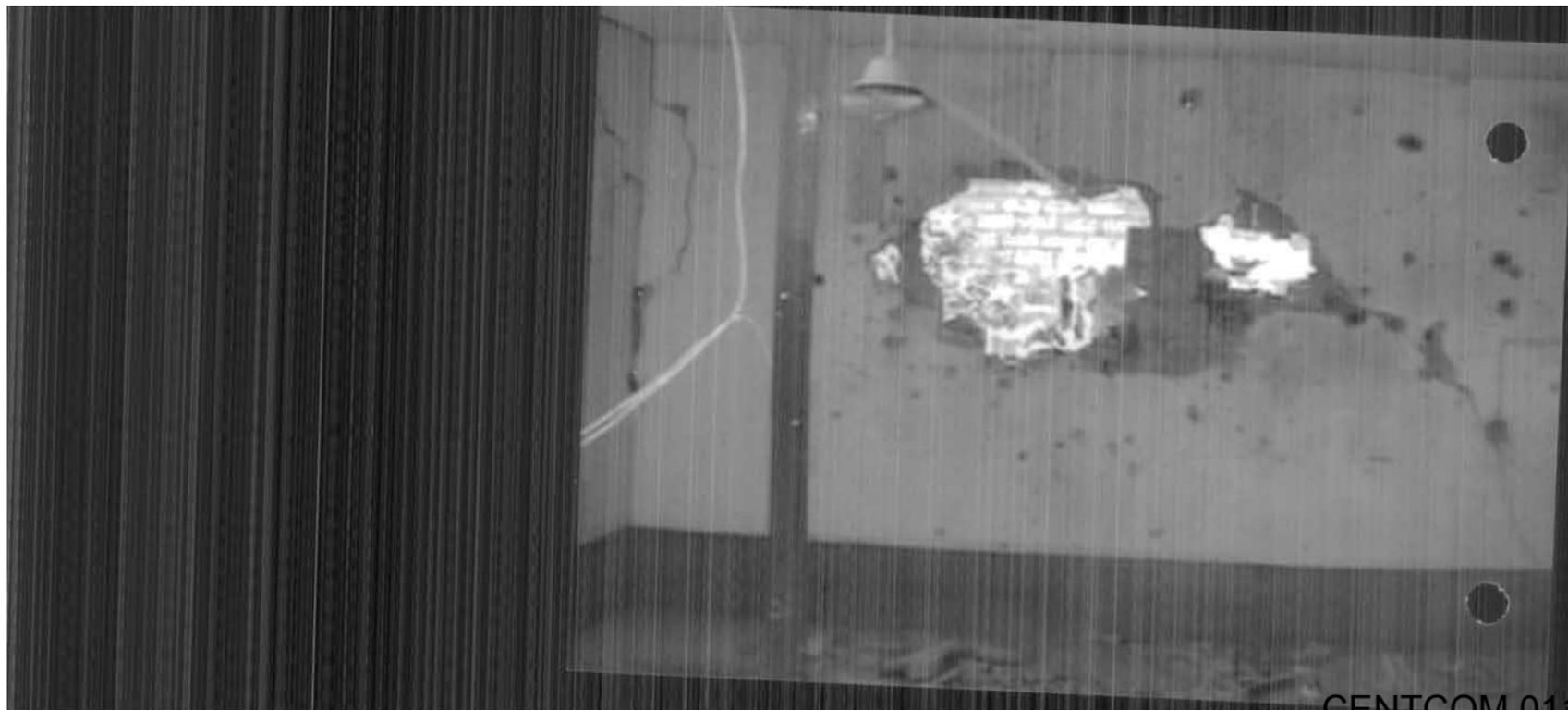
CENTCOM 011004

08-I92-T103-00028



CENTCOM 011005

08-I92-T103-00029



CENTCOM 011006

08-I92-T103-00030



CENTCOM 011007

08-192-T103-00031



GENTCOM 011008

08-192-T103-00032



CENTCOM 011009

08-I92-T103-00033



CENTCOM 011010

08-I92-T103-00034



CENTCOM 011011

08-I92-T103-00035



CENTCOM 011012

08-I92-T103-00036