

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

NOTIFIED

March 15/2008

Re Consideration

(b)(6)

March 15/2005

(b)(6)

language

Reconsideration

Pages 5 through 6 redacted for the following reasons:

Nonresponsive



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 or 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
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)

CPL, JA
FCC I28

CPL, JA
FCC I28

CW2, JA
FCC I28

Pages 10 through 11 redacted for the following reasons:

Nonresponsive, (b)(5)



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

Page 13 redacted for the following reason:

foreign language, (b)(6)

Dear Sir

In the name of God

On 4 / 11 / 2005 we were riding a car (b)(6) / Baghdad coming from Baghdad / Al- Suaib going to Al-Najaf and the persons who were with me in the car are L

- 1.
2. (b)(6)
- 3.
4. The child
5. The child
6. The dead (b)(6)
7. The dead
8. The dead
9. (b)(6) (my wife)
10. (b)(6)
11. The dead (the driver) (b)(6)
12. (b)(6)

Nonresponsive

(b)(6)

With appreciations

(b)(6)

15 / 3 / 2008