

1454-05

2.0565

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**DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380**

REPLY TO
ATTENTION OF:

AFZP-VB-JA

28 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6)

1. Claimant's name and address: (b)(6) Sadr City, Baghdad, Iraq.

2. Date and place the incident occurred giving rise to the claim: Incident occurred on 31 May 2005, at Canal Road, Baghdad, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim in the amount of \$150,000.00 on 19 September 2005.

4. Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20; claimant filed for death of claimant's son, killed in a vehicle accident.

5. Facts:

- a. On 31 May 2005, the claimant's son was killed in a vehicle accident.
- b. The death was caused by a vehicle accident allegedly involving Coalition Forces.

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 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.

b. The claimant provided no evidence that the death was a result of negligence or wrongful acts by the Coalition Forces.

c. The claims card provided by the claimant is not an original claims card and has been presented in other claims. We have determined it to be fake.

c. The claim is not meritorious.

7. Recommended Action: Disapprove the claim.

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

CPT, JA
Single Member FCC

CENTCOM 003786



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

29 September 2005

MEMORANDUM FOR RECORD

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

1. Facts. Claimant's states that her son was killed by U.S. forces in a vehicle accident. She is claiming \$150,000 in compensation.
2. Opinion. 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. In this case, 2BDE/ 31D has determined that documents included with the claim are forgeries and have been used in other, past claims. Therefore, there is no credible evidence that U.S. forces caused the death of claimant's son.
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)

(b)(6)

CW2, JA
FCC IJ4

CPT, JA
FCC IJ4

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Foreign Language Text, (b)(6)



(b)(6)



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Foreign Language Text, (b)(6)



FORCES
عسكاري

IRAQI CLAIMS CARD

The Army may pay claims to Iraqi civilians for property damage, injury and death caused by US Forces.

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 claimant to the nearest Government Information Center or the Iraqi Assistance Center. Do not promise them anything.
4. Upon return to your FOB, complete DA Form 2823. 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 Btry 37 CAV

DATE 2008/07/31

LOCATION (b)(2)High

TYPE OF INCIDENT 1/1/1/1

FORCES
عسكاري

IRAQI CLAIMS CARD

السلام عليكم ورحمة الله وبركاته

للمنى المواطنين الكريمة: مقابل الأضرار التي لحقت بكم، سواء كانت أضرار جسيمة من أضرار في الفرد، أو موت لا يسمح الله لأحد المواطنين، وكان السبب وراء ذلك القوات الأمريكية، فلا يكون لله الحق في التعويض.

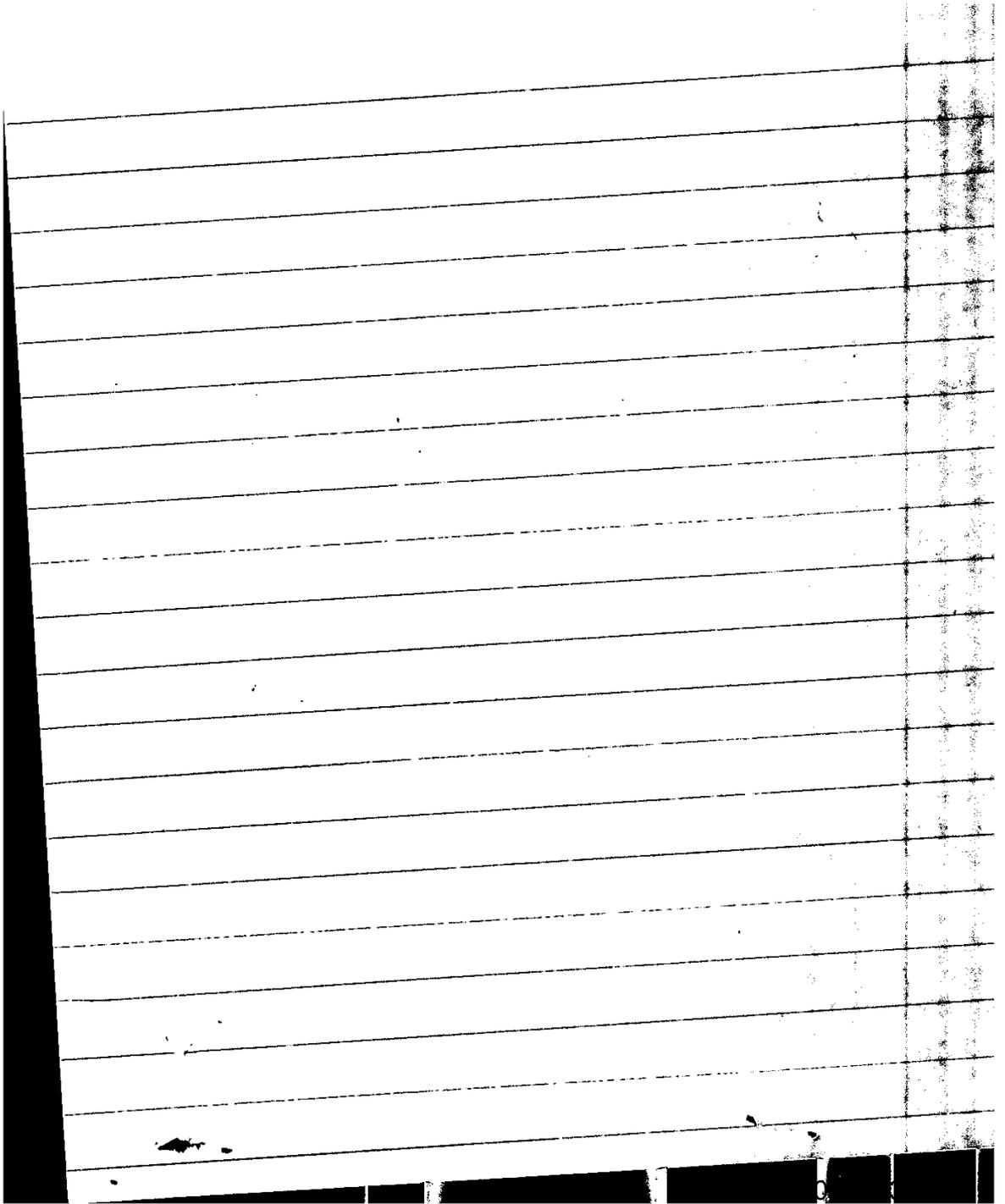
للتقدم بطلب والتغطية بعقد الرجاء اضرار الأثر: هذه البطاقة وعويته المعنية مع كل الأضرار الرسمية المنقطة بهذا الأمر والتي لكم الموضوع مثل (صور التحقيقات، شهادة للشهود، تقرير الشرطة، ووصول بالاستلام أو التسليم، وثبات الملكية لما حطم أو تضرر ولما تحلوا أن تحصل على تعويض منه، وخدمة البطاقة أو كنت تعمل رخصة).
الرجاء اضرار هذه المستندات في مراكز المساعدة العراقي في معسكر (Camp Taji)، بولاية كركوك (Cunner Gate)، أو أحد المراكز الحكومية: القوراء - نيسان - الكاظمية - الرشيد - المنصور - الرضوية - قاعدة دهوك - كركوك - الأضمية - كركوك - سبع القور.
وشكرنا لتعاونكم معنا

CENTCOM

Foreign Language Text

(b)(6)

2-059-5



1154-05
2-0585

FOREIGN CLAIMS COMMISSION COVER SHEET

Claim Number: 2.0565

USARCS NUMBER: 1454-05

Date Received: 19-Sep-05

Name: (b)(6)

Address: (b)(6) Sadir City, Baghdad, Iraq

Claim Summary: Claimant's son was killed in a vehicular accident involving Coalition Forces

Date of Incident: 31-May-05

Amount Requested: \$150,000.00

Recommendation: Approval Denial
Investigation *FWD to DIVISION*

Date Reviewed by OIC:

Claim Is: Approved in the amount of \$ _____.

Denied. Denial Code _____

On hold pending investigation findings.

Claims form
Us foreign commission

Claim# 2-059-5

Claimant name: (b)(6)
Address: (b)(6) adiri city
Sec/---
Relation ship: The victim's mother Age: (b)(6)

A citizen and national of / Iraq
A permanent resident / Baghdad
Type claim (circle which applied)

- 1-Vehicle
- 2-Personal property
- 3-Real estate
- 4-Personal injury
- 5-Death

Have you filed acclaim before (circle which applied) YES OR NO

Date incident occurred :/D/ 31 /M/ May /Y/ 2005

Place incident occurred: / The canal road

SITUATION The victim was driving in the right side from the canal road an American tank came wrong side and crushed the car and killed the driver

List in detail amount of property damage and itemized expense resulting from the property damage personal injury: (attach bills and receipts, if applicable).

Item	Amount
<u>She asks the compensation for the death.</u>	
<u>As she says the car cannot repair.</u>	

TOTAL AMOUNT: US DOLLAR 150,000.00 one hundred \$5 fifty thousand U.S.
IRAQI DINAR _____ ID

Today date: D/ 24 /M/ Aug /Y/ 2005

Translator name _____ (b)(6)

Signature _____ (b)(6)

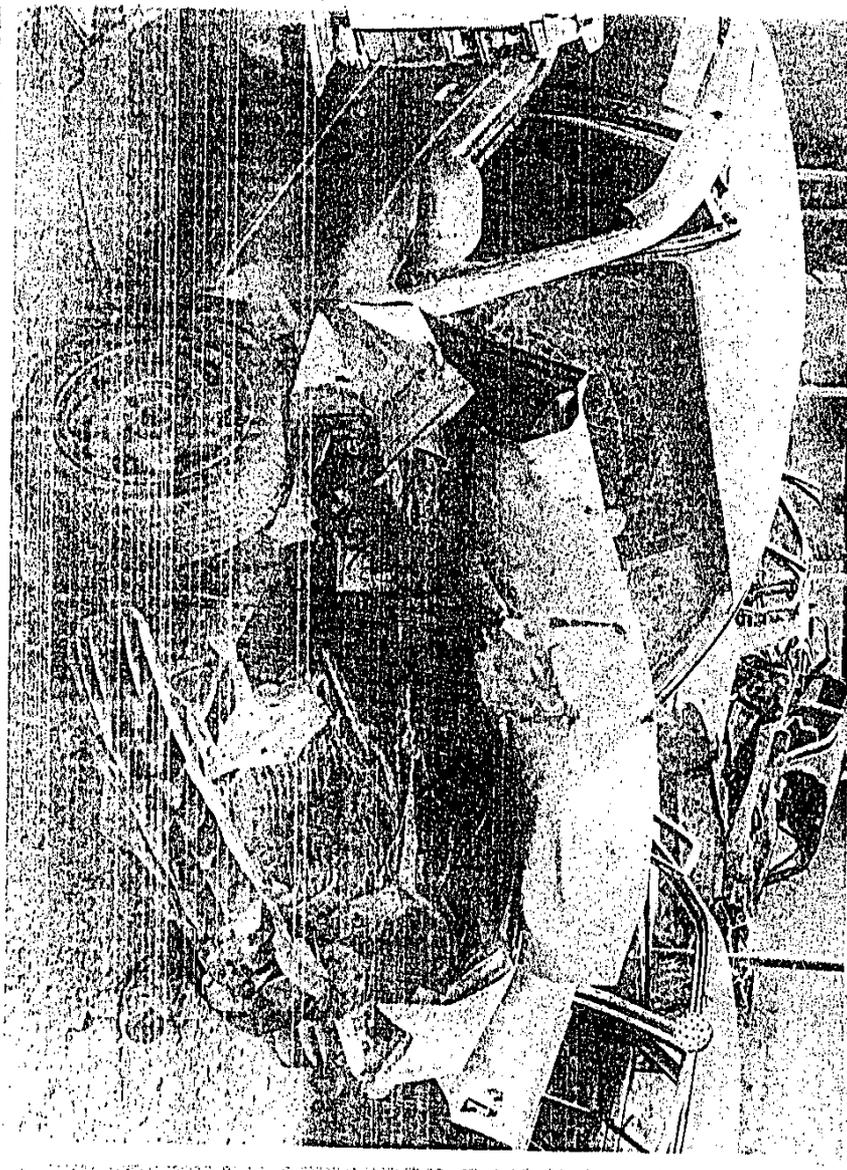
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CENTCOM 003824

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