

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

C/O CPT

348-1A

claim Nu.

27



Foreign Language

Foreign Language

(b)(6)

Death Claim

[Handwritten scribbles]

Dennis

7 Feb 67

Claim 348-H

Recommended CERL Payments

2 Mar



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
OFFICE OF THE STAFF JUDGE ADVOCATE
CAMP LIBERTY, IRAQ APO AE 09344

AETV-BGS-JA

02 March 2007

MEMORANDUM THRU Comptroller, 1st Cavalry Division

FOR Chief of Staff, 1st Cavalry Division

SUBJECT: Type of Condolence Payment (Death) 348-H

1. NAME OF RECIPIENT:

(b)(6)

2. DATE OF INCIDENT: 25 March 2005

3. LOCATION OF INCIDENT: Al-Shulla, Baghdad

4. DESCRIPTION: On or about 25 March 2005, the claimant's daughter was killed by warning shots fired by U.S. Forces.

5. JUSTIFICATION: This action was due to combat actions of U.S. forces and is payable under CERP. This payment will positively influence both the community and local Iraqi leaders.

6. AMOUNT OF PAYMENT: **\$2,500 (Death)**

7. POINT OF CONTACT: MAJ

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

Brigade Judge Advocate at

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

b.army.mil.

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

COL, IN
Commanding

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

I concur with the payment.

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

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

MAJ, JA
Brigade Judge Advocate

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

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



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
OFFICE OF THE STAFF JUDGE ADVOCATE
CAMP LIBERTY, IRAQ APO AE 09344

AETV-BGS-JA

02 March 2007

MEMORANDUM FOR Government Information Center

SUBJECT: Type of Condolence Payment (Death) 348-H

1. The following claimant has been approved for a **\$2500.00 (Death)** condolence payment:

(a)

(b)(6)

2. This offer is final and cannot be negotiated. This offer cannot be appealed.

3. Point of contact is the undersigned at (b)(6), (b)(3) -b.army.mil

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

ILT, EN
Condolence Pay Agent

CENTCOM 004208

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

CPT 2-1ID 9E S1 OIC

From: (b)(3)(b)(6) CPT CAT-A Team Leader (b)(3)(b)(6) MND-B.army.smil.mil]
Sent: Friday, March 02, 2007 1:10 PM
To: (b)(3)(b)(6) CPT 2-1ID 9E S1 OIC
Subject: [U] RE: Nonresponsive; claims
Categories: UNCLASSIFIED
Classification Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Nonresponsive

I did turn that packet in to the CMOC to have (b)(3)(b)(6) check to see if we have already paid this claim in the past when the Khadimiya GIC was open and if not to process it as she did have the required paperwork showing the death was legitimate. I wanted to have the SJA look it over and see if he thought it was legitimate or if I should just tell them sorry; should have filed at the GIC when it was open.

CPT (b)(3)(b)(6)
 CAT-A Team Leader
 A/412 CA
 VOIP: (b)(2)High

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

Classification: UNCLASSIFIED

From: (b)(3), (b)(6) CPT 2-1ID 9E S1 OIC [mailto:(b)(3), (b)(6)@army.smil.mil]
Sent: Thursday, March 01, 2007 9:23 PM
To: (b)(3), (b)(6) CPT CAT-A Team Leader
Subject: Nonresponsive claims

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

Nonresponsive

Also I have a claim that is from you – for a 25 March 2005 EOF that killed (b)(6) daughter in Shulla. There's no SIGACT, and I have to brief this to COL (b)(3)(b)(6) so I just want to make sure 1) this is from you and someone didn't just write that on the cover, and 2) this is a legitimate claim. It wasn't investigated at all, is why I want to make sure.

Thanks!

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

CPT, EN
 Adjutant, 9th Engineer Battalion
 CERP Pay Agent, 2/1 ID
 MND-B

CENTCOM 004209

3/11/2007



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09344

REPLY TO
ATTENTION OF:

AETV-BGS-JA

7 February 2007

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [redacted] (b)(6) Claim #348-H

1. Facts. Claimant's says her daughter was shot and killed by warning shots fired by U.S. Forces on 25 March 2005. Claimant requested \$2500.00.

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. The evidence submitted does not reflect that the damages of the claimant were non-combat related nor that U.S. Forces were negligent.

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.

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

[redacted] (b)(3)(b)(6) MAJ, JA Foreign Claims Commission IVS [redacted] (b)(3)(b)(6)

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



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09344

Claims Office

7 February 2007

SUBJECT: Claim # 348-H

(b)(6)

Baghdad, Iraq

Dear Ma'am:

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

Allow me to express my sympathy for the loss of your daughter. However, in accordance with the cited references and after investigation into your claim, I find that your claim is **not compensable**. The evidence does not indicate the death was non-combat related or due to the negligence of U.S. Forces. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with AR 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.

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

Major, U.S. Army
Foreign Claims C

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

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

CENTCOM 004211

Claims Form

To: United States Army Foreign Claims Commission

From: Name: _____

Address: _____ (b)(6) _____

I am

- a. A citizen and national of: IRAQ
- b. A permanent resident of: IRAQ
- c. Employed by: _____
- d. Check one () An insurer (/) Not an insurer
- e. Check one () A subrogee (/) Not a subrogee

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

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.) _____

My claim arose at: AL-shulla Baghdad IRAQ
(Town) (City) (Country)

My claim arose on: Mar. 25 2005
Month Day Year

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.)

On March 25 - 2005 my daughter (b)(6)
she is (b)(6) years old, killed by US warning shots
fired, in AL shulla Area, pls. go back to
the attachment you will find the police reportes
with witnesses statement supported my allegation

Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

Death

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.)

Item	Amount
<u>Death</u> - (b)(6)	<u>2500-00</u>

Total: 2500-00

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

The name and address of my insurer (if any) is:

(Name) _____ (Address) _____

I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 2500-00 local _____

(Signature of)

(b)(6), Foreign Language

Subscribed before me this 2 day of Feb, 2007

(Print Name)

Foreign Language, (b)(6)

(Signature)

Page 12 redacted for the following reason:

Already reviewed and redacted for release

Personal Statement

Foreign Language Text, (b)(6)

Page 14 redacted for the following reason:

Foreign Language, (b)(6)

CENTCOM 004218

Foreign Language
, (b)(6)

*all this documents
it is police & witnesses statement*

Pages 17 through 19 redacted for the following reasons:

Foreign Language
, (b)(6)

CENTCOM 004223

Page 21 redacted for the following reason:

Foreign Language, (b)(6)

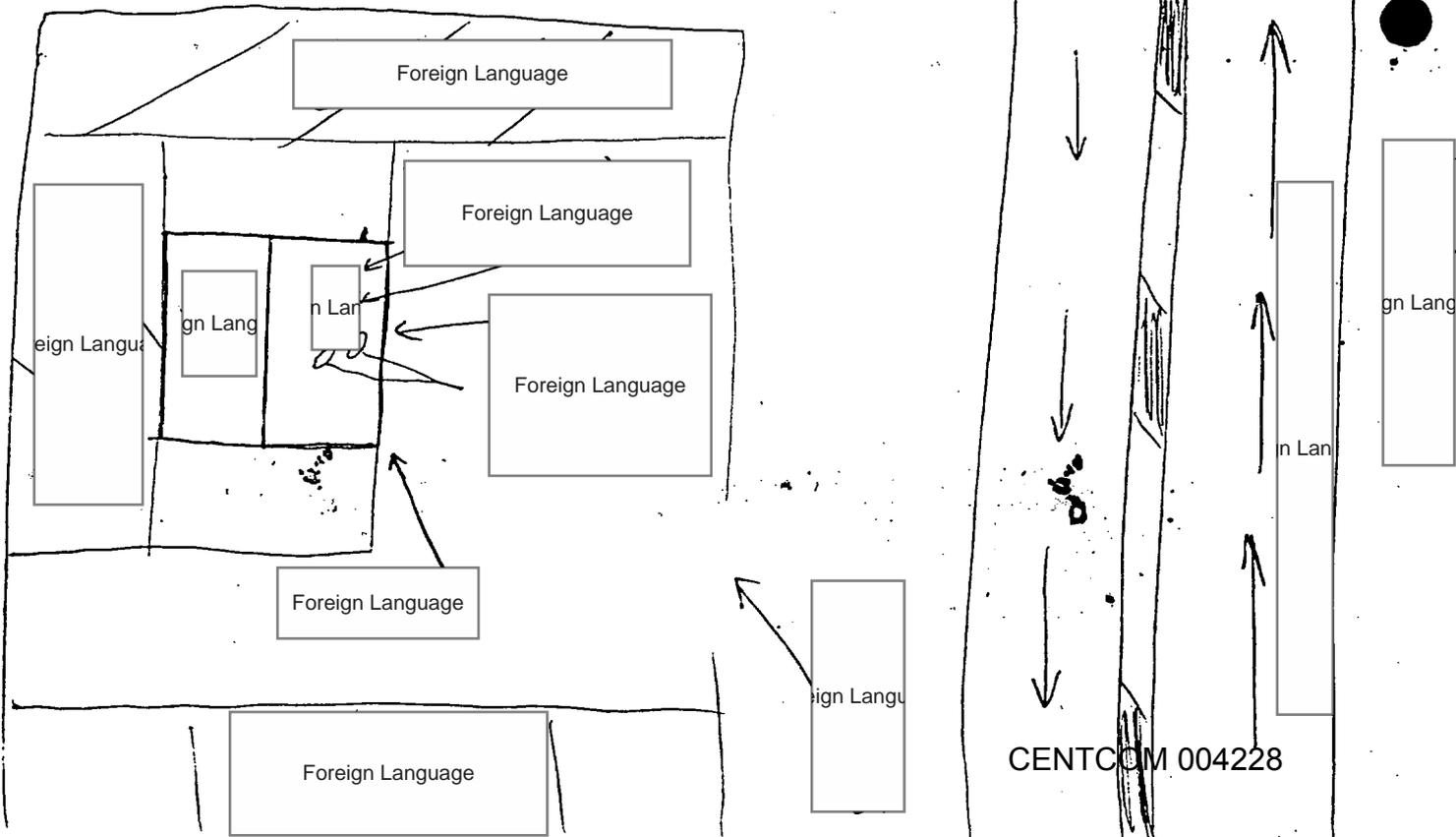
CENTCOM 004225

Page 23 redacted for the following reason:

Foreign Language, (b)(6)

CENTCOM 004227

(b)(6), Foreign Language



CENTCOM 004229

Foreign Language Text, (b)(6)

CENTCOM 004230

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Foreign Language Text, (b)(6)

CENTCOM 004233

Pages 31 through 32
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reasons:-----

Foreign Language, (b)(6)

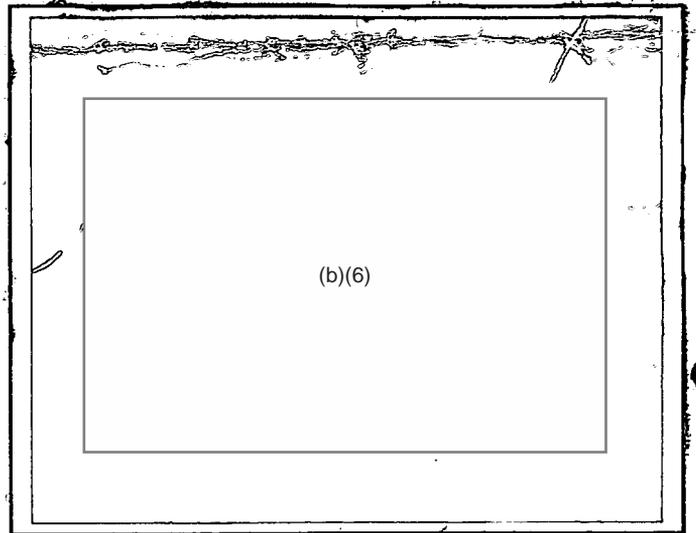
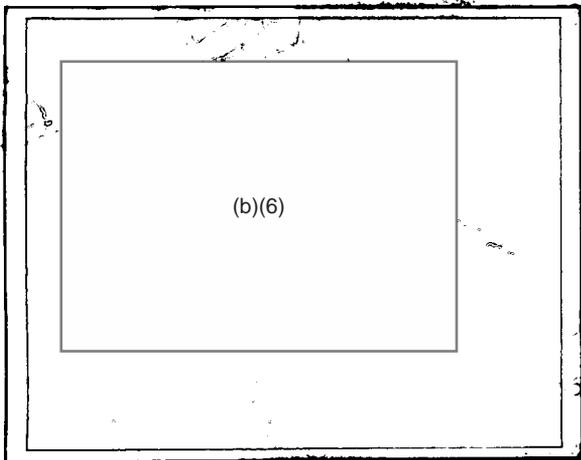
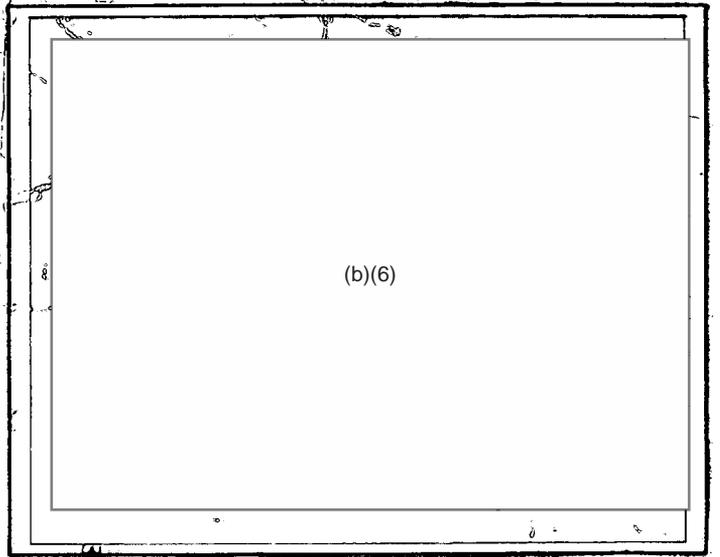
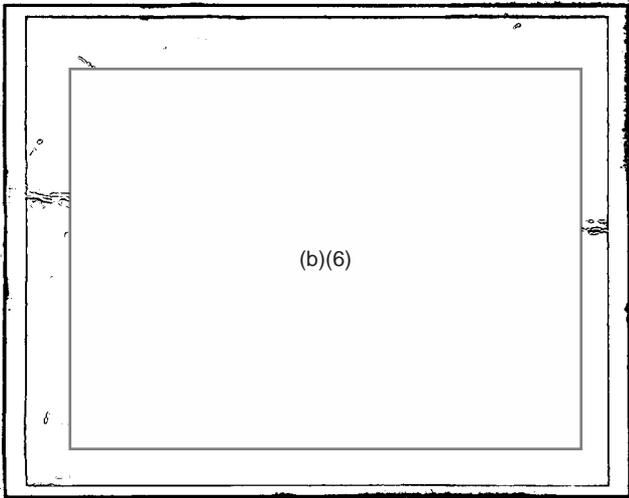
Foreign Language, (b)(6)

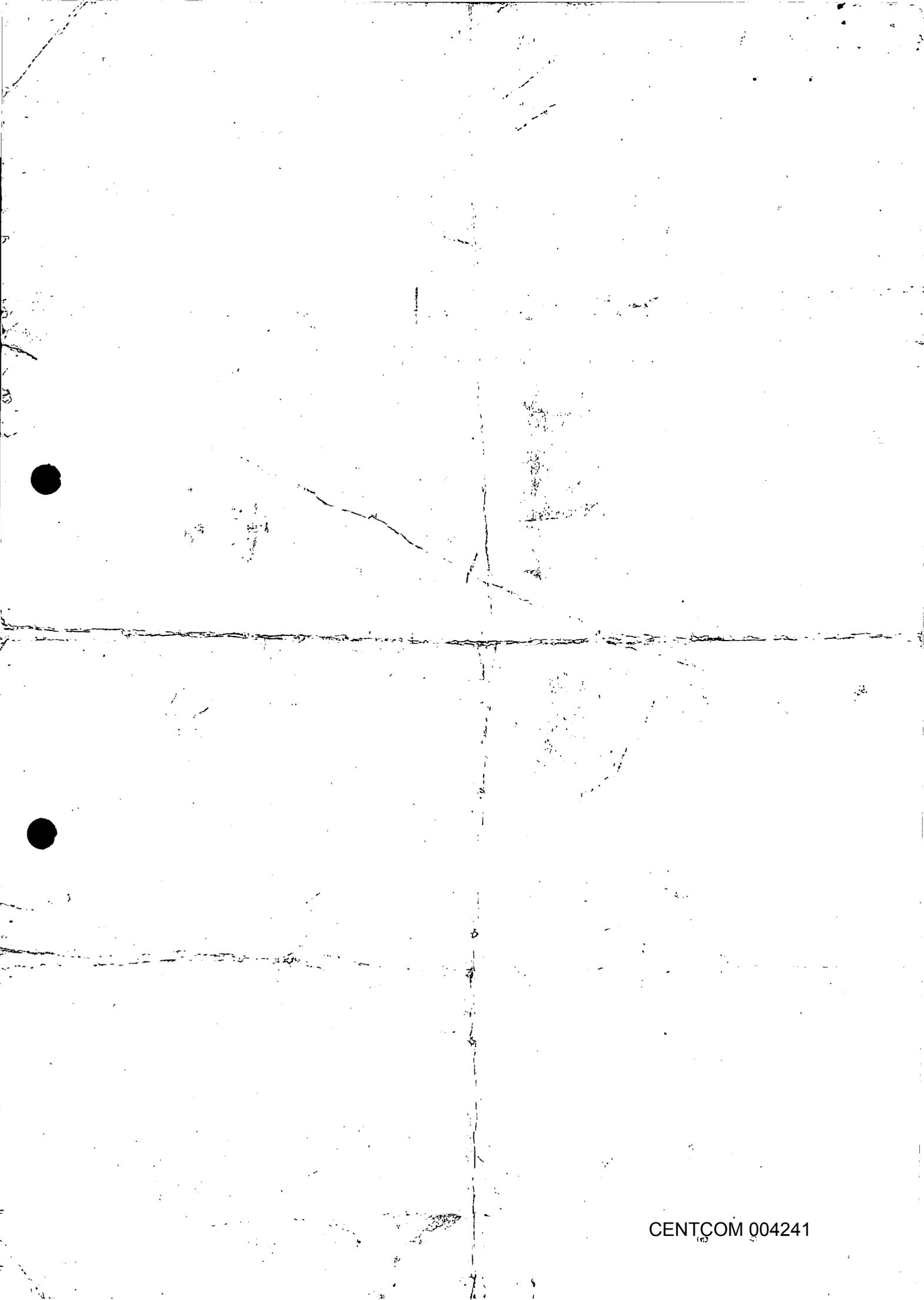
Home Address

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CENTCOM 004239





CENTCOM 004241