

Claim # 384M
USARCS # 06-118-T 673
Claimant's Name b(6)
Date Received 30-Nov-03
Date Closed



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 3D INFANTRY DIVISION (FORWARD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO-AE 09352

Foreign Claims Commission IJ8

06-Dec-05

SUBJECT: Claim # 06-IJ8-T672 / 384M

(b)(6)

Dear Claimant:

You have submitted a claim seeking compensation for loss caused 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, and Department of the Army Pamphlet 27-162 Claims Procedures.

Allow me to express my sympathy for your loss, however, in accordance with the cited references and the investigation into your claims, I find that your claim is **not compensable**. After an exhaustive search of records of the date in question, your claim was **denied** for the following reason(s):

Incident was a combat operation resulting in detentions.

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 forwarded to this office for Foreign Claims Commission consideration. 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)(6), (b)(3)

Captain, Judge Advocate
Foreign Claims Commission IJ8

CENTCOM 004287

FOREIGN CLAIMS FORM

CLAIMANT INFORMATION

NAME: _____ (b)(6)
ADDRESS: _____
OCCUPATION: Mahmudiah ID#: _____
CITIZENSHIP: _____

INCIDENT INFORMATION

TYPE OF CLAIM: () Vehicle Accident SAF () Raid () Detainee Property
() Occupied Land Other

LOCATION OF INCIDENT: Mahmudiah DATE OF INCIDENT: 16 Sep 05

DESCRIPTION OF INCIDENT: US FORCES WERE PATROLLING (b)(6)
OUTSIDE FIB ST MICHAEL AND BROTHER WAS KILLED.
→ (b)(6) - WHILE HE WAS WAITING (b)(6)
→ CRAPS - US FORCES TOOK RIDER TO MAHMUDIYAH HOSPITAL
AND HE DIED - COMPLAINT -

UNIT INVOLVED: UNKNOWN

CLAIM INFORMATION

OWNER OF PROPERTY: _____ (b)(6) BREAKDOWN OF CLAIM:

ITEM	AMOUNT
<u>BROTHER</u>	<u>2500</u>

TOTAL AMOUNT CLAIMED: \$ 2500
INSURED?: Y / N AMOUNT: _____

CLAIMANT ATTESTATION

HAS CLAIM BEEN FILED BEFORE?: Y/N LOCATION AND OUTCOME: _____

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 مقلد أو يزور التظلم ضد حكومة الولايات المتحدة الأمريكية سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات.

30 Nov 05
(DATE)

_____ (b)(6)
(توقيع التظلم) الرجاء كتابة الاسم والتوقيع



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION
OFFICE OF THE STAFF ADVOCATE GENERAL (FWD)
LEGAL SERVICES CENTER
APO-AE 09352

AFZP-JAC

30 December 2005

MEMORANDUM FOR RECORD

SUBJECT: Mailing Justification

1. Enclosed are closed Foreign Claims originating out of the Baghdad Area of Operations. All claims have either been paid or finally denied.
2. The original paperwork must be mailed back to the U.S. Army Claims service at Ft. Meade, Maryland for filing.
3. Point of contact is CPT (b)(3), (b)(6) @id3.armv.mil.

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

CPT, JA
Claims Judge Advocate

CENTCOM 004289

Brief summary of the attached packet.

Do not need to translate each page but only answer the ~~for~~ following questions:

1. How did this accident occur.
2. Who was involved?
3. Where did it happen?
4. Who witnessed the shooting? Did they actually see it happen?

06- IJ8-T 672

Name of deceased: (b)(6)

How accident happened:

On 16SEP2005 an American helicopter landed in the land (b)(6)
(b)(6) US forces debarked and proceeded to fire shots (allegedly) at random resulting in
the death of (b)(6) and the injury of his cousin (b)(6) who was
arrested and is still detained.

Who was involved?

(b)(6)

Unnamed US forces

Where it happened:

(b)(6) village, al-Mahmudiyah

When it happened:

Between 0200 and 0400 hours, 16SEP2005

Who witnessed the shooting? Did they actually see it happen?

Father of the deceased, (b)(6) is the only one who
actually says that he witnessed the incident in person. Other witnesses include the
deceased's wife, brother, and mother.

Pages 8 through 32 redacted for the
following reasons:

foreign language

foreign language, (b)(6)