

Claim # 384M
USARCS # 06-118-T 613
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.

Sincerely,

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

Captain, Judge Advocate
Foreign Claims Commission IJ8

CENTCOM 004319

FOREIGN CLAIMS FORM

CLAIMANT INFORMATION

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

INCIDENT INFORMATION

TYPE OF CLAIM: () Vehicle Accident SAF () Raid () Detainee Property
() Occupied Land (b)(6) Other

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

DESCRIPTION OF INCIDENT: US FORCES WERE PATROLLING FARMLAND
OUTSIDE FARM AT MICHAEL AND BROTHAN WAS KILLED.
→ (b)(6) - WHILE HE WAS WATERING HIS
CROPS - US FORCES TOOK ADEL TO MAHMUDIYAH HOSPITAL
AND HE DIED - COMPLAINT -

UNIT INVOLVED: UNKNOWN

CLAIM INFORMATION

OWNER OF PROPERTY: DUEL BREAKDOWN OF CLAIM:

ITEM	AMOUNT
<u>Brothan</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)(6), (b)(3) @id3.army.mil.

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

CPT, JA
Claims Judge Advocate

CENTCOM 004321

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 owned by the deceased's family. 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), (b)(3)

Unnamed US forces

Where it happened:

Abu `Usaj 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)