

5-IA3-1338

CENTCOM 004751

5-IA3-1338-00001



DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

2 Aug 05

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

a. There is not enough evidence to prove your claim.

b. The evidence shows that United States Forces did not cause the damage.

c. The evidence shows that the damage was caused during combat.

d. The evidence shows that the damage was caused by your own negligence or wrongdoing.

e. The evidence shows that your claim was fraudulent.

f. Other: _____

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.

4. POC is the Tikrit Claims Office at DNVT (b)(2)High

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

CPT, JA
Foreign Claims Commissioner

PFC, USA
1307 Para Legal

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CENTCOM 004753

5-IA3-1338-00003



CENTCOM 004754

5-IA3-1338-00004

42nd ID Foreign Claims Cover Sheet

File #: 5-IA3-1338

decedent's wife

car owner

Name: _____

(b)(6)

(b)(6)

POA/ATT _____

(b)(6)

Date Received: 25 June 05

June

Date of Incident: 10 May 05

10 May 05

Claim Amount: 7,210

7,210

Location: TIKRIT

TIKRIT

Translation: _____

Further Investigation:

Need proof of ownership

Received

Need claimant stm

5 Jul 05

Will return 5 July 2005

14 July need owners car

NO CAR NOT IN STATE

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

Check 10 May 05

Contact S-2 Check Sigacts

Incident not listed

Approved: _____

CCF Sheet

Denied: _____

(2 reports of exchange of fire between CF & AIF)

NO BDA

14 July 05

PT

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

Goodwill Payment recommended

Approved _____

Denied _____

17 JUL 05

MVA

RAID

LOST

NEG FIRE

REAL

OTHER _____

CENTCOM 004755

CHECKLIST

1. Claim received 25 JUN 05
2. File sent to translator _____
3. File received from translator _____
4. SIGACTS check done _____
5. Conferred with S-2 _____
6. Claimant informed of decision _____
7. Appeal completed _____
8. Claimant paid _____
9. Claimant denied _____
10. File sent to USARCS _____

11. Claimant visitation history

5 JULY - Further info

12 JULY - Further info - will bring medical records



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APO AE 09308

DHFT-JA

14 July 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) , 05-IA3-1338

1. Identifying Data: (b)(6) , Tikrit, Iraq

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 10 June 2005, in Tikrit, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for \$7,210 on 25 June 2005.

4. Jurisdiction: This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was filed in a timely manner.

5. Facts: Claimant alleges that her husband was killed by U.S. Forces and the vehicle he traveled in was damaged. The claimant's husband was riding in a vehicle (b)(6) , when they drove near a U.S. Forces patrol. The patrol opened fire, injuring the claimant's husband and damaging the vehicle. The claimant's husband died several weeks later. The claimant provided corroborating witness statements, photographs, medical records and a death certificate. A legal expert report estimated the damages to the vehicle at 4,075,000 ID. There is no report of this incident in Division records.

6. Opinion: There is some evidence to indicate that U.S. Forces killed the claimant's husband and damaged the vehicle. Unfortunately, those forces were involved in security operations at the time. Therefore, this case falls within the combat exception.

7. Recommendation: The claim is denied.

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

CPT, JA
Chief, Claims

CENTCOM 004757

5-IA3-1338-00006

Claims Form

To: United States Army Foreign Claims Commission

From: Name: (b)(6) (wife of decedent) / Car owner

POA/ATT: (b)(6)

Power of Attorney provided and interpreter approved:

Decedents: (b)(6) (Husband) At one

Hometown: Iraqi Resident:

My claim arose at: Tikrit (Town) Tikrit (City) (Country)

My claim arose on: May June 10 2005 (Month) (Day) (Year)

Proof of Ownership: ~~feed picture of chassis # ; Need new owner card~~

Interpreter Approved: GOOD

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Will bring back

Interpreter Approved:

Legal Expert Opinion: Will bring receipts for med treatment J10

Interpreter Approved:

Witness Statement (Consistent?): yes - x2 consistent

Interpreter Approved:

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.)

~~- forgot to bring statement~~
(b)(6) ~~Army from Tikrit - came near~~
a US patrol - was shot by the patrol
→ Vehicle was damaged - see pres - Claimant #2
→ Guy got shot up + died several weeks later - Claimant #1

Evidence: photos, witness statements, medical report

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
Vehicle Damage	3,225,000 ID (2210)
Wound Patch	\$5000.00
Medical Bills	

Total: ~~3,225,000~~ 7210

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)

\$ 7210

(b)(6)

(Si nt)

Subscribed before me this 25 day of JUNE, 2005

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

CPA
(Print Name)

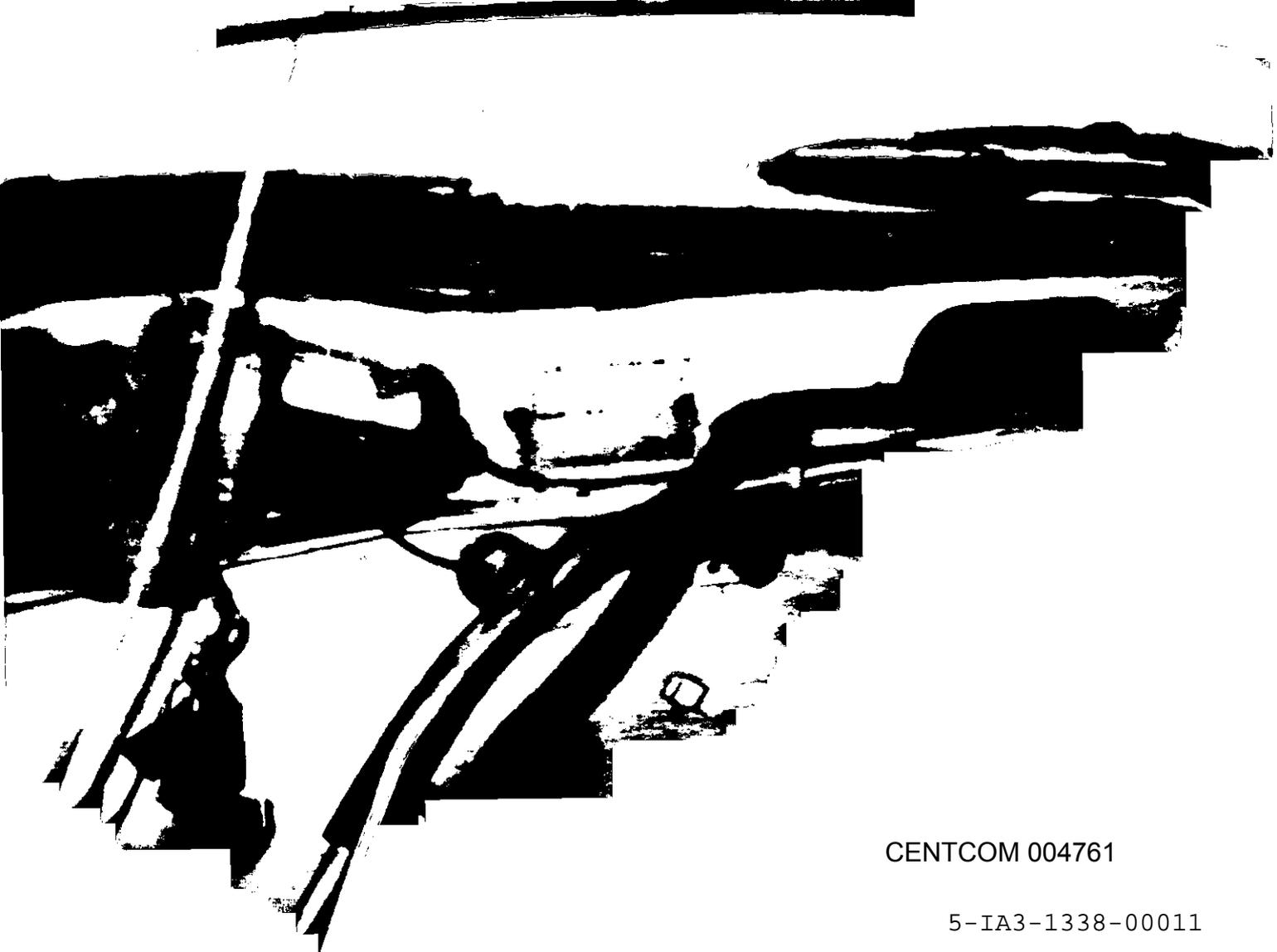
(b)(3)(b)(6)

[Signature]
(Signature)



CHEVROLET CAMARO

5-IA3-1338-10



CENTCOM 004761

5-IA3-1338-00011



62

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Page 13 redacted for the following reason:

(b)(6)



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5-1A3-1338-00015



3-145-1558-00010



(b)(6)

CENTCOM 004767

3-1A3-1338-00017



foreign language text

foreign language text

W # 1 said in
He was driving behind the claimant
in a (b)(6) and one of the
American HanVics shot the claimant's
vehicle and that cause his death.

W # 2 said same CENTCOM 004769

5-IA3-1338-00019

Pages 20 through 24 redacted for the following reasons:

foreign language text

Name

(b)(6)

Atty:

(b)(6)

Date... 26 July 05.....

.....n language

Claim No... 05-IA3-1338..

.....sign language 1

Reason ... C/S

.....n language

Appointment with... SJA.....

Signature

(b)(6)

.....ign language

CENTCOM 004775

Name (b)(6)

Any: (b)(6)n languag

Date... 26 JULY 2005

.....n languag
Claim No. 5 IA3 1334

.....eign language to
Reason C/S

.....n languag
Appointm

.....eign language t
Signature. (b)(6)

~~004776~~

Name

(b)(6)

Date 26 June 05

foreign language text

Claim No. 5-IA3-1462

foreign language

Reason CIS

foreign language

Appointment with SJA

foreign language

Signature.

(b)(6)

foreign language

foreign language text

5-IA3-1338-00027

Name

(b)(6)

Sign language

Sign language

Date 26 July 05

Sign language

Claim No. 4-FA3-2830

Sign language

Reason c/s

Sign language

Appointment with SJN

Sign language

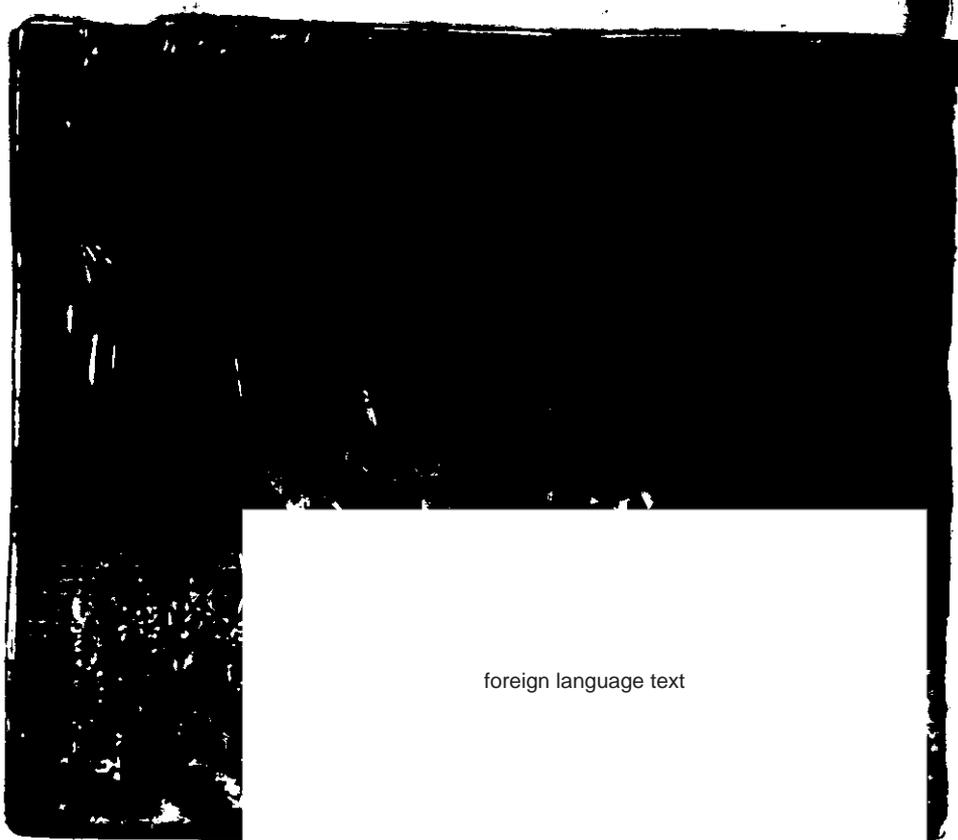
Signature

(b)(6)

T Sign language 8

Page 29 redacted for the following reason:

foreign language text



foreign language text

foreign language text

Page 31 redacted for the following reason:

foreign language text

foreign language text

He couldn't remember the date of the accident exactly.
At 7.30 at morning the US army shot
at a car it kind is Toyota Super 1985
white color and that cause big damage to
the vehicle and it glasses and the
doors and the lights -

CENTCOM 004782

5-IA3-1338-00032

Pages 33 through 36 redacted for the following reasons:

foreign language text

TOYOTA MOTOR CORPORATION JAPAN

MODEL YS122L-SEROS

ENGINE

(b)(6)

FRAMENO.

COLOR TRIM

035 JA81

TRANS/
AXLE

A43DL F292

PLANT A2

30880

foreign language text

5-IA3-1338-00037