

U-1R8-274

part 2

7



CENTCOM 005062

Pages 3 through 4 redacted for the
following reasons: - - - - -

- -

Foreign Language, (b)(6)

(b)(2)High

TF 100-442 established
Flash TCP. soldiers
waved @ vehicle to try
to stop it, w/ no effect

Warning shot fired but
vehicle did not stop

TCP then fired @
vehicle, killing driver
& vehicle

Black sedan

Pages 6 through 7 redacted for the following reasons:

(b)(6)

Foreign Language, (b)(6)



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3RD BRIGADE COMBAT TEAM
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

18 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to
(Claim Number 06-IR8-274)

(b)(6)

1. On 16 June 2005, (b)(6) husband was killed by CF at a flash checkpoint, when he came around a curve in the road and could not stop his vehicle in time.
2. I certify that CERP funds are available to pay (b)(6) in the amount of \$2500.00. This is a condolence payment.
3. The request to pay (b)(6) in the amount of \$2500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

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

CPT, EN
Project Purchasing Officer

CENTCOM 005068



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

15 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 06-IR8-274

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 16 June 2005 in Balad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 14 Feb. 2006.
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 properly filed in a timely manner.
5. **Facts:** The Claimant alleges that her husband, (b)(6) was killed by CF near a traffic control point near the Yethrib police station. The traffic control point was allegedly located on a curve in the road, which did not allow sufficient room for the deceased to stop. The deceased has ten children. A SIGACTS investigation revealed that TF 100-442 established a flash TCP in the area of the accident. Soldiers waved at a dark sedan approaching the CP, but the vehicle did not stop. A warning shot was fired but the vehicle did not stop. The TCP fired at the driver which killed him and caused the vehicle to roll. In support of the claim, the Claimant has produced a court certified death certificate, witness statement, claimant's statement.
6. **Opinion:** "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the deceased was killed during an escalation of force when the vehicle did not comply with the instructions from the TCP. The escalation of force constitutes a combat activity because the soldiers were responding to a perceived threat.
7. **Recommendation:** The claim

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

Claims Judge Advocate

CENTCOM 005069

TF Band of Brothers Claims Intake Form

To: United States

From: Name: _____

POA/AT _____

(b)(6)

Power of _____

Decedent _____

Hometown: _____

Iraqi Resident: _____

My claim arose at: _____

Balad - Yethrib

(Town)

(City)

(Country)

My claim arose on: _____

~~Oct 25, 2005~~

16 June 2005

Month

Day

Year

Proof of Ownership: _____

N/A

VIN Match: _____

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): original count death card seen.

(OD - bullets)

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: _____

N/A

Interpreter Approved: _____

Witness Statement (Consistent?): _____

① Bystander - saw dead guy - didn't see account

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.)

Near the Yethrib police station

CF CP near the Yethrib police station

on a curve, can't see around the corner

& he tried to stop but was shot by CP.

Dynac Prince car - black; (b)(6) in the afternoon.

20m from the CP when car was shot.

Evidence: _____

count death cert (hospital death card N/A b/c guy was already dead)

)(5), (b)(6) Kids!

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
Wrongful death	\$2,500

Total: \$2,500

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

N/A

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)

\$ _____ local _____

(Signature of Claimant)

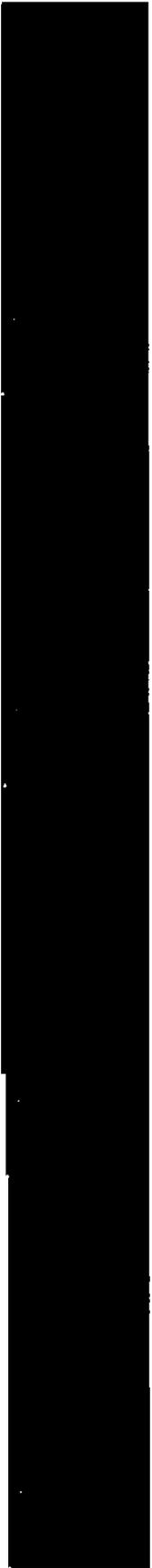
(b)(6)

Subscribed before me this 14 day of February, 2006.

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

Page 12 redacted for the following reason:

Foreign Language



will at the court

Foreign Language Text

Foreign Language Text, (b)(6)

... claimant's statement at the court

Foreign Language Text

Foreign Language Text, (b)(6)

Police station report

Foreign Language Text, (b)(6)

Foreign Language

Diagram

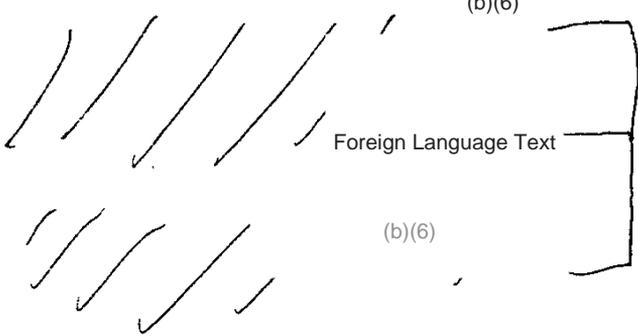
Foreign Language

(b)(6)

(b)(6)

(b)(6)

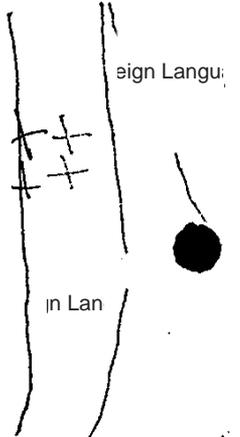
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Foreign Language Text

(b)(6)

Foreign Language



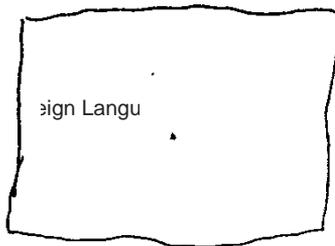
Foreign Language

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(b)(9)

Foreign Language

Foreign Language, (b)(6)



Foreign Language

Foreign Language

Foreign Language



CENTCOM 005077

Page 18 redacted for the following reason:

Foreign Language, (b)(6)

Police report to the Judge.

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005079



Police Report to the Judge

Foreign Language Text

Foreign Language Text, (b)(6)

transcribed

13/2002

Foreign Language Text, (b)(6)

Page 22 redacted for the following reason:

Foreign Language, (b)(6)



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

MEMORANDUM FOR RECORD

SUBJECT: Waiver of Notification

1. I, the Claimant, hereby agree that if I fail to provide any requested evidence to the CMOC Claims Office within sixty (60) days of the date below or to request a written extension of the 60 day period, such inaction shall constitute an affirmative act of abandonment of my claim, and my claim shall be administratively closed in accordance with the provisions of DA PAM 27-162, paragraph 13-3(f).

2. I further agree that if I wait longer than 60 days from the date below to return to the CMOC to receive notification of the final disposition of my claim or to request a written extension of the 60 day period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance.

1. انا المشتكي هنا اوافق على اني اذا فشلت في اثبات طلبي بالادلة الكافية الى دائرة الشكاوي (السيماك) خلال مدة (60) يوما من تاريخ اليوم او طلب التمديد (الاستئناف) خلال فترة ستون (60) يوما, هذا سوف يسبب عدم تكوين تأكيد لقضيتي, وبسبب ذلك قضيتي سوف تترك وتغلق اداريا طبقا للقانون (د, ا, ب, ايم 162-27, من الفقرة 13-3(ف)).

2. وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون يوما من التاريخ المحدد من دائرة (السيماك) لاستلام النتيجة للقرار النهائي لقضيتي او لطلب التمديد خلال الفترة المحددة وهي (60) ستون يوما, هذا سوف يتسبب برفض قضيتي. و القضية سوف تغلق اداريا وفقا للقانون.

Claimant Signati

(b)(6)

Sworn before _____, on _____ day of _____ 200_____.