



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101<sup>st</sup> AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

5 July 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 6-IT6-041

1. **Identifying Data:** (b)(6) by POA (b)(6)

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 25 April 2006, in Samarra, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3500.00 on 20 June 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 filed in a timely manner.

5. **Facts:** Claimant alleges CF shot and killed his father.

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." A search of the SIGACTS revealed that at 250742APR2006 an EOF occurred in Samarra, resulting in the shooting death of a LN. This claim arose during combat activities and is non-compensable

(b)(5)

7. **Recommendation:** The claim is denied →

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

CPT, JA  
FCC

CENTCOM 005378

6-IT6-041-00001

6-176-04/  
11 Jul 06



**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: Claimant Denial

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 supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

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

CPT, JA  
FCC

CENTCOM 005379

6-IT6-041-00002



*old. Had wrong date + place  
of act*

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

23 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) ; 6-IT6-041

1. **Identifying Data:** (b)(6) by POA (b)(6)

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on ~~29~~ <sup>25</sup> *Ap* August 2005 in Ad Duloyiah, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3,500 on 25 May 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 a CF shot his father. A SIGACTS investigation revealed no activity during the relevant time period which substantiates claimant's allegations.

6. **Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." Here, there is insufficient credible evidence to link CF with claimant's allegations.

7. **Recommendation:** The claim is denied

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

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

CPT, JA  
Claims Judge Advocate

CENTCOM 005380

6-IT6-041-00003

# TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

(b)(6)

From: Name: \_\_\_\_\_

(b)(6)

~~but says and he had poA from his mother~~  
~~(the first beneficiary)~~

POA/ATT: \_\_\_\_\_

Power of Attorney provided and interpreter approved: \_\_\_\_\_

Decedents:  \_\_\_\_\_

Hometown: Samarra Iraqi Resident: Affirm

My claim arose at: \_\_\_\_\_  
(Town) Samarra (City) (City center) (Country)

My claim arose on: April 25 2006  
Month Day Year

Proof of Ownership: \_\_\_\_\_

VIN Match: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Death Certificates (Name, Cause of Death, and Time of Death Consistent with Claimant allegations): (b)(6) CoD: Shot & bullets in head and chest. 50 years old. In 25/4/2006 at 0800(AM)

Interpreter Approved:  \_\_\_\_\_

Medical Report/Legal Expert Opinion: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Witness Statement (Consistent?): ① when the claimant's dad was attending his work in morning some CF troop opened fire to him and he got killed.

Interpreter Approved: \_\_\_\_\_

② Same story.

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 hospital west side

In 25/4/2006. The claimant was employee in Samarra municipality when he had moved from his home toward his work in morning and morning. Somebody told <sup>PIG</sup> after I should be at the hospital cause my dad got shot and died, by CF's troops. My dad's body was lifted by health center ambulance truck and with helpness of the police. When I just in the hospital that I found my dad ~~is~~ ~~was~~ ~~had~~ been died.

Evidence: \_\_\_\_\_

CENTCOM 005381

6-IT6-041-00004

**TF Band of Brothers**  
**Foreign Claims Cover Sheet**

File #: 6-IT6-041

*Post*  
Name: \_\_\_\_\_ (b)(6)

*Name*  
POA/ATT: \_\_\_\_\_ (b)(6)

Date Received: 20 June 2006 Date of Incident: 25 ~~April~~ 2006  
*April*

Claim Amount: \$3500 Location: Samarra (city center)

Next Apt: 4 July 2006 Contact Info: \_\_\_\_\_

Translation: \_\_\_\_\_ (b)(3),(b)(6)

**Further Investigation:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact S-2  Check Sigacts  Nothing Possible Match in 416A175

Approved  Denied  Nothing in INTSUM. No name of decedent in 15-6  
+ OWN FAULT BLD 6/23/06

Goodwill Payment recommended:  
 Approved: \_\_\_\_\_  Denied: See note

MVA  RAID  LOST  NEG FIRE  REAL

OTHER: \_\_\_\_\_

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

Already reviewed and redacted for release

CENTCOM 005383

6-IT6-041-00006

Name: <sup>101</sup>

(b)(6)

Date: 18 July 06

Claim No: 6-IT6-041

Reason: C/S

Appoin

MOC

Signature

(b)(6)

ENTCOM.005384

6-IT6-041-00007

Name

(b)(6)

.....  
10

Date

~~11/11/1977~~ 11. 1977

التاريخ

Claim No. 6-176-041

رقم المعاملة

Reason

~~1/5~~ 9/5

السبب

Appointment with

SJA

الموعد مع

Signature

(b)(6)

التوقيع  
NTCOM 005385

6-IT6-041-00008

1502 Escalation of Force 3 BCT-101 At 250742APR2006, an EOF occurred with 1XLN and B/3-187 guards in the Salah Ad Din Province. at PB Uvanni at grid (b)(2)High At 0742, 1XLN enters the disable zone SE of BP4 at PB Uvanni, BP4 fires a disabling shot missing the LN, who moves back outside the (b)(2)High At 0747, the LN moves along the eastern (b)(2)High between BP4&BP2, then crosses back inside the (b)(2)High NE of PB Uvanni. At 0748, the guard fired a kill shot at the LN from BP4 with an M-14, killing the LN. At 0755, QRF and MOI from Uvanni responds to EOF, finds the LN less than sixty meters NE of the ECP into the patrol base at vic grid (b)(2)High At 0757, an NCO from 2/B/3-187IN searches the LN who had no identification or weapons. At 0825, the IP's arrive at PB Uvanni to move the LN to the Samarra Morgue. At 0840, 2/B/3-187 moves from PB Uvanni to PB Olson. At 0850, 2/B/3-187 IN RP at PB Olson. A Commanders Inquiry is being conducted. NFTR. **CLOSED:** 251820APR2006.

*SPC* (b)(3),(b)(6) *reports that kill zone around PTB is clearly marked.*

*No CERP recommendation*



Pages 11 through 15 redacted for the following reasons:

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Foreign Language Text  
Foreign Language Text, (b)(6)

Statement of Corpse (body) ~~the~~ died person

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005393

6-IT6-041-00016

Page 17 redacted for the following reason:

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Foreign Language Text, (b)(6)

Foreign Language Text

<sup>1</sup>  
witness statement before the Judge  
DOB: 1976  
JOB: Free business

Foreign Language Text

Foreign Language Text, (b)(6)

# Judge Decisions

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005396

6-IT6-041-00019

Page 20 redacted for the following reason:

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Foreign Language Text, (b)(6)

Al-Moutawakef police  
Station

The Clarmont (Died's wife) Statua

Foreign Language Text

CENTCOM 005398

6-IT6-041-00021

Foreign Language Text

Witness's Statement  
in Police Station

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text

Judge decisions

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text

Judge's Decision

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text

*The Airmen Complaint*

Foreign Language Text

Foreign Language Text, (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 sixty (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 sixty (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 sixty (60) days period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance above.

1. انا المشتكي هنا اوافق على اني اذا فشلت في اثبات طلبي بالادلة الكافية الى دائرة الشكاوي (السيماك) خلال مدة ( 60 ) ستون 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 و تغلق اداريا طبقا للقانون (د,ا,ب,ا,م 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 يسبب برفض قضيتي . و القضية سوف تغلق اداريا وفقا للقانون.

(b)(6)

Claimant Signature: \_\_\_\_\_

Sworn before \_\_\_\_\_, on \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_.

CENTCOM 005403

6-IT6-041-00026