

802

CENTCOM 006022



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>rd</sup> BRIGADE COMBAT TEAM  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

27 June 2006

CP3AAS61490618-16

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to  
(Claim Number 06-IR8-802)

(b)(6)

1. On 14 April 2006 in Samarra, (b)(6) wife was pregnant and present in the family home during a raid by CF. The situation caused the claimant's wife severe mental anguish and caused her to suffer a miscarriage.

2. I certify that CERP funds are available to pay (b)(6) in the amount of \$1,000. This is a condolence payment.

3. The request to pay (b)(6) in the amount of \$1,000 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

(b)(6)

Project Purchasing Officer

CENTCOM 006023



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

6-1 R8 802  
13 Jun 06

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  
Chief of Claims

CENTCOM 006024

6-128-802  
13 Jun 06

شاكرا الهندا

### الموضوع / انكار قضية

- ب- ان الشكوى التي قدمتها قد تم رفضها للاسباب التالية :
- A.** - لم توجد ادلة كافية لتثبت صحة القضية .
- B.** - الادلة تبين ان قوات التحالف لم تتسبب بالحادث .
- C.** - الادلة تبين ان الاضرار قد حصلت اثناء مصادمات .
- D.** - الادلة تبين ان الحادث قد حصل نتيجة اهمالك او الخطيء الذي تسببت فيه .
- E.** - الادلة بينت ان الشكوى التي قدمتها هي محاولة احتيالي .
- F.** - اخرى -----

ج- اذا كان هذا هو الوقت الاول بان قضيتك ينظر بها في هذا المكتب , تستطيع

ان تقدم استئناف وهذا المكتب يجب ان ياخذه خلال (30)

يوما من استلام هذه المذکر للاستئناف كذلك يجب ان يجلب المشتكي المزيد من

المستمسكات لاثبات صحة القضية اذا ارسلت الاستئناف فيما بعد او لم نظيف

مستمسكات اخرى سوف ترفض القضية للمرة الثانية .

لمزيد من المعلومات الاتصال بالنقيب روبرت ابوت بالرقم

(b)(2)High

	COB Speicher CMOC	
Name	(b)(6)	الاسم
Date	17 July 06 / 17 Jun 06	التاريخ
Claim No.	6-128-802	رقم المعاملة
Purpose	c/s	السبب
Appointment	MOC	الموعد مع
Signature	(b)(3),(b)(6)	التوقيع

In Lang

	COB Speicher CMOC	
Name	(b)(6)	الاسم
Date	11 July 06	التاريخ
Claim No.	6-128-802	رقم المعاملة
Purpose	appeal	السبب
Appointment with	MOC	الموعد مع
Signature	(b)(3),(b)(6)	التوقيع

Page 5 redacted for the following reason:

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Foreign Language, (b)(6)



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

4 Jun 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 6-IR8-802

1. **Identifying Data:** (b)(6) Samarra, Iraq

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 14 April 2006, in Samarra, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$5,000 on 14 April 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:** The Claimant alleges that CF used flash-bang grenades when the raided her house and she had a miscarriage as a result. The Claimant provided witness statements and a medical report to substantiate the claim. A SIGACTS investigation revealed that there were raids conducted on seven homes in Samarra that night.

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." Facts as alleged show this claim arose as a result of a raid, a combat activity. This claim is not compensable under the FCA.

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

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

CPT, JA  
FCC

CENTCOM 006027



# TF Band of Brothers Claims Intake Form



To: United States Army Foreign Claims Commission.

From: Name: \_\_\_\_\_ (b)(6) \_\_\_\_\_  
POA/AT \_\_\_\_\_

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

Decedents: NA

Hometown: Samarra  Iraqi Resident: \_\_\_\_\_

My claim arose at: \_\_\_\_\_ (b)(6)  
(Town) (City) (Country)

My claim arose on: APR 14 06  
Month Day Year

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

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

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

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): \_\_\_\_\_

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

Medical Report/Legal Expert Opinion: wife lost the kid during the accident

Interpreter Approved: match

Witness Statement (Consistent?): w1 > neighbors

Interpreter Approved: saying the 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.)

claimant alleges the CF soldiers were searching in the area and they went inside the claimant's house to search it, the ~~CF~~ were using (sound bombs) during their operation.  
The wife lost the babe during this accident

Samarra (b)(6) area

City Centre

Evidence: POA medical Reports witness  
Diagram to accident

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.)

<u>Item</u>	<u>Amount</u>
<u>\$5000 for lost the <del>kid</del> kid</u>	

Total: \$5000

I claim as damages: (Indicate amount in U.S. dollars and local \_\_\_\_\_)  
\$ 5000 (b)(6)

\_\_\_\_\_  
(Signature of Claimant)

Subscribed before me this 3 day of June, 2006

(b)(3),(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. أنا 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 (الأستئناف) خلال فترة ستون (60) يوما , هذا سوف يسبب عدم تكوين تكويد لقضيتي , وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,ا,ب,ايم 162-27, من الفقرة 3-13(ف)).

السيماك) لأستلام النتيجة  
سبب برفض قضيتي .

2. وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون !  
للقرار النهائي لقضيتي او لطلب التمديد خلال الفترة المحددة وه  
و القضية سوف تغلق اداريا وفقا للقانون.

(b)(6)

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

n 5 day of June 2006

Pages 10 through 12 redacted for the following reasons:

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

(b)(6), Foreign Language

*The wife She was pregnant and she lost her during the  
accident.*

CENTCOM 006034

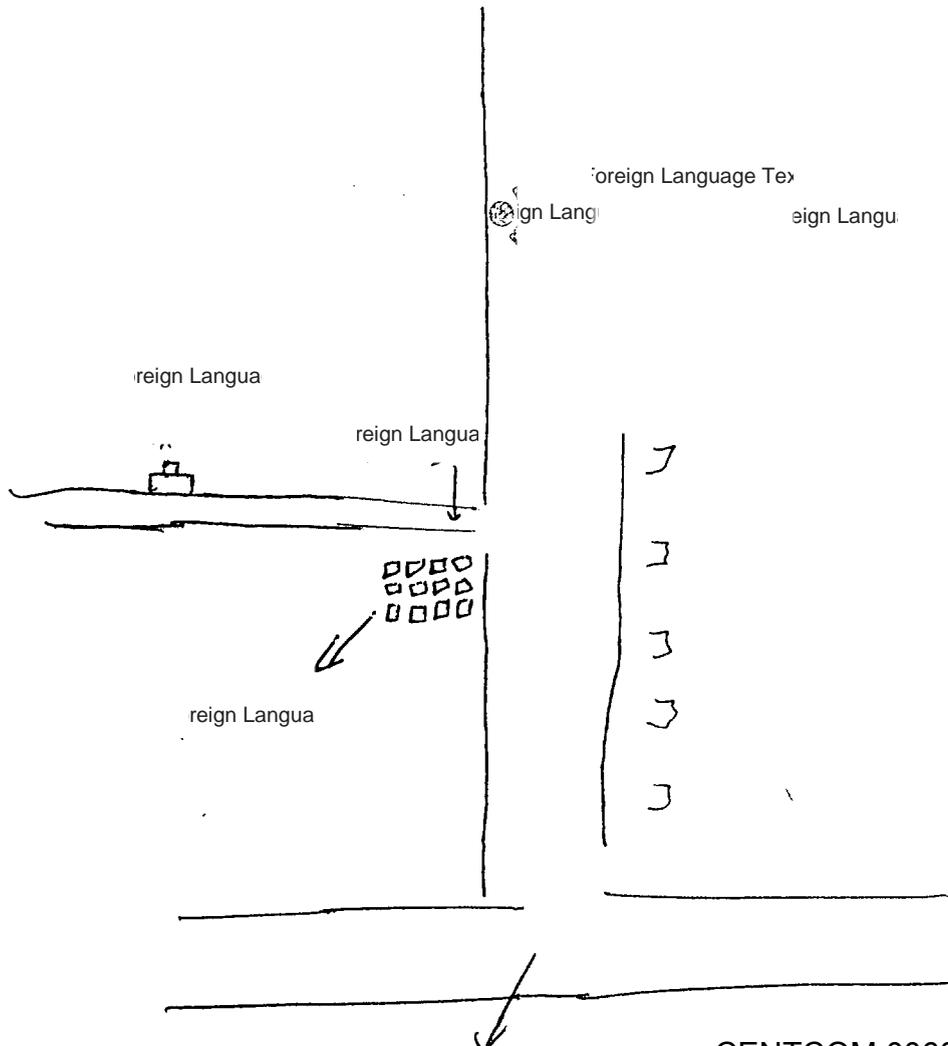
Page 14 redacted for the following reason:

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Foreign Language, (b)(6)

# Scene sketch and statement

Foreign Language

Foreign Language



Foreign Language, (b)(6)

Foreign Language

CENTCOM 006036

Police Report to Judge

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

## Civil Military Operations Center

The holder of this slip has business to conduct at the US Army Civil Military Operations Center at FOB Speicher. Business hours are Saturday through Tuesday, from 10:00 to 16:00 hours. To be admitted to the CMOC you must have your Jentsia ID and all pertinent paperwork, including evidence or witnesses if filing a claim. **This slip is only for entrance to discuss your claim, it is not a guarantee.**

### المركز المدني لعمليات الجيش

حامل هذه القصاصاة لديه عمل يقوم به في المركز المدني للعمليات الجيش في قاعدة اسبايكر. ساعات العمل من السبت الى الثلاثاء من 10 صباحا الى 4 مساء. لدخول المركز يجب احضار هوية جنسية، مستندات العمل مرفقا بالادلة او الشهود اذا كان لديه شكوى. ملحوظة هذه القصاصاة فقط للدخول لمناقشة الشكوى وليست ضمان لحل المشكلة

CA (IAG) PPO

CENTCOM 006038



006039

(b)(2)High

<H. B. 2002

CENTCOM 006040