

1,400,000

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

1940-1941

24 MAY 06

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

Fund \$2,500

1940

Death of son

FOREIGN CLAIMANT AND ATTORNEY
CLAIMANT
PA: AR 25-1000-2
DOI: Stewart
Disposition Date (2 yrs after DOI) 1988

(b)(6)

300



DEPARTMENT OF THE ARMY
COMBINED JOINT TASK FORCE 76
OFFICE OF THE STAFF JUDGE ADVOCATE
BAGRAM AIR FIELD, AFGHANISTAN
APO AE 09354

Foreign Claims Commission
Claim # AIU-06-084

09 September 2006

(b)(6)

Dear Mr. (b)(6) you submitted a reconsideration for your claim on 1 August 2006 stating that the amount you were awarded for your claim was not enough; you originally claimed 300,000 Afghani for the death of your son, (b)(6) On 25 July 2006, you were awarded 200,000 Afghani based on your claim filed under the Foreign Claims Act. In addition to the claim award of 200,000 Afghani, you were also given a condolence payment in the amount of 125,000 Afghani; in total you have received 325,000 Afghani for the death of your son.

The basis for your reconsideration was that the amount awarded on 25 July 2006 would not cover the expenses of the funeral, 40-day celebration, year anniversary, and the support of your cousin's family, totaling approximately 1,400,000 Afghani.

The amount of the claim awarded on 25 July 2006 was based on meticulous research by the CJTF-76 Claims Office. An extraordinary amount of time and effort was put into the valuation of your claim. Additionally, the Afghan parties involved in the consultation voiced overwhelming support for the valuation methodology used by this office.

After thorough calculation, this commission has determined that the amount awarded to you on 22 July 2006 was both a fair and reasonable amount for your loss. The Foreign Claims Act, 10 U.S.C. § 2734, was established to compensate inhabitants of a foreign country who suffer a loss due to noncombat activities of U.S. Forces or the negligence of U.S. service members or civilian employees. To reiterate, the amount previously awarded to you has been determined by this commission to be both fair and reasonable.

This letter constitutes a denial of your reconsideration request under the Foreign Claims Act.

(b)(3), b(6)

LTC, JA
Foreign Claims Comm.

CPT, JA
Foreign Claims Comm.

CPT, JA
Foreign Claims Comm.

10-21-06

Revised letter

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



DEPARTMENT OF THE ARMY
COMBINED JOINT TASK FORCE 76
OFFICE OF THE STAFF JUDGE ADVOCATE
BAGRAM AIR FIELD, AFGHANISTAN
APO AE 09354

Foreign Claims Commission
Claim # A1U-06-084

09 September 2006

(b)(6)

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

LTC, JA
Foreign Claims Comm.

CPT, JA
Foreign Claims Comm.

CPT, JA
Foreign Claims Comm.

MEMORANDUM FOR RECORD

DATE: 04 Sept 06

On 25 Aug 06, Col (b)(3), b(6) came over to our office to discuss the reconsiderations of the Kabul Riot claims. He stated that to ensure they were doing the right thing, he requested assistance from the generals cultural advisor. She reviewed all the claims and made recommendations. There were three that they determined we might be able to award additional monies. It was then decided that they should be paid out of CERP and to begin coordination.

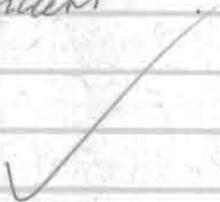
It was then determined that we would pay the claimants on 02 Sep 06 and it was coordinated that Chief (b)(3), b(6) would pull the funds and accompany us to the gate for payment. All three were paid (b)(6)

(b)(6) is the only who mentioned that he hopes this is not the last of the monies he is to see.

The reconsiderations that have gone to the board have not been signed at this time. As the indication is that they will deny them, as the additional amounts were paid out of CERP, the claimants will have to be called back in to be handed the responses in reference to their reconsiderations requests through the FCC board.

(b)(3), b(6)

6,500 total is sufficient



Note from the Cultural Advisor



DEPARTMENT OF THE ARMY
COMBINED JOINT TASK FORCE 76
BAGRAM AIR FIELD, AFGHANISTAN
APO AE 09354

OSJA-CS

19 August 2006

MEMORANDUM FOR RECORD

SUBJECT: (b)(6) (Claim # AIU-06-084)

1. On 26 June 2006, (b)(6) the claimant filed a FCA claim for the death of his son, Meelad. The amount claimed was 300,000 Afghani.
2. The claimant's son died as a result of gunshot wounds sustained during the 29 May 2006 Kabul riot. District 17 police reports indicate the claimant's son died as a result of gunshot wounds inflicted by US military personnel.
3. According to the claimant, his son was responsible for the support of the family because the claimant was unable to work due to injuries sustained from the Taliban. The deceased son sold pizzas to support the family.
4. On 17 July 2006, the claimant received a CERP condolence payment of approximately 125,000 Afghani for the death of his son.
5. On 25 July 2006, the claimant was paid 200,000 Afghani for his cognizable FCA claim.
6. On 1 August 2006, the claimant requested reconsideration of his claim. The claimant stated based on the Afghan culture, the family of the deceased was obligated to pay for the funeral, 40-day celebration, and one year anniversary celebration in addition to the support of the deceased family. The claimant stated that the aforementioned would cost approximately 1,400,000 Afghani.
7. The reconsideration of the claim should be denied based on research previously done by the claims office regarding the valuation of death claims. As a part of this research, CPT (b)(3), b(6) and (b)(6) consulted with the Parwan Governor, the Parwan Deputy Governor, the Parwan Legal Department, and a representative of the Parwan people. These Afghani parties all agreed with the valuation methodology and amounts proposed by CPT (b)(3), b(6). Additionally, the parties voiced overwhelming support for the amounts in that they were both appropriate and fair.

(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

Memorandum for Record

10 August 2006

Subject: Information about dead ceremony

From: (b)(6)

In Afghanistan when a person is passing away, the family is responsible to do these things for him.

1-Responsibility: For the first day Responsible for funeral ceremony to be held.

2- Responsibility: In the third day responsible to buy the food and fruit making an invitation only for lunch and informing relatives and neighbors come to their house in order to pray for the death body.

3- Responsibility: Responsible to do the invitation every Friday until 40 days, informing relatives and neighbors in order to pray for the death body after eating which is the culture of Afghan people. If the family is rich and able to make the invitations, if not just they make a ceremony after 40 days which is called the dead 40 days.

4- Responsibility: Responsible to do the next year ceremony informing the relatives and neighbors to make an invitation only for lunch. This is called the year of death body and this is the exact day of last year when the person was died.

Note: The ceremony is holding depends to the family (rich family or poor family)

(b)(6)

Bagram client services

(b)(3), b(6)

Requested letter from (b)(6)
Residency of District 17th in Kabul city
Phone (b)(6)

Attention to the Coalition Forces in Bagram Air field

Dear Sir:

On 29 May 2006, my son by the name of (b)(6) got shot by American forces while he was working at (b)(6) in Kabul city. As a result of shooting he died. We had wait for helping in two months. We received some money after two months, even that was not enough for the ceremonies which we had.

I am a poor person and I am sick and also not able to work, therefore I respectfully want to help me regarding the issue.

Sincerely

(b)(6)



DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE (CJTF-76)
OFFICE OF THE STAFF JUDGE ADVOCATE
BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

REPLY TO
ATTENTION OF

CJTF-76-JA-CL

MEMORANDUM FOR RECORD

20 July 2006

SUBJECT: Foreign Claim Investigation, Claim # AIU-06-084

(b)(6)

1. **Identifying Information.**

a. Claimant: The claimant is a local national, (b)(6) (hereinafter "the claimant"), living in Afghanistan.

b. Amount: The claimant filed a claim for 300,000 Afghani on 26 June 2006.

c. The claimant states on 29 May 2006, that his son was shot and killed after a riot began after a U.S. Forces HEMMT vehicle lost brake control upon entering the city of Kabul.

d. Investigation Completed: 19 July 2006.

2. **Jurisdiction.** The claimant filed his claim in a timely manner in the form of an SF 95. The claimant is a foreign national and the owner of the property. The claimant is a proper claimant under the Foreign Claims Act IAW DA PAM 27-162, para. 10-2.

3. **Statement of Facts.**

a. The claimant states on 29 May 2006, his son was shot and killed after a riot started as a result of a U.S. Force (b)(2)High losing brake control.

b. A convoy was enroute from Bagram to Kabul on 29 May 2006. As they began to enter the town of Kabul, there is a very long steep graded slope on which the (b)(2)High within the convoy began lose control of its brakes. The (b)(2)High out of control, entered town and made contact with several vehicles until it finally came to a complete stop. Damage consisted of numerous vehicles, personal injuries, and a one casualty. As the local nationals began to congregate a riot ensued. Shots were fired from the local Afghan national police and U.S. personnel fatally wounding several local nationals.

c. The claimant submitted an SF 95 indicating damages of 300,000 Afghani for the loss of his son.

4. **Legal Analysis.**

a. **Legal Rules.** Under AR 27-20, para. 10-3, the incident that forms the basis for the claim must arise in a foreign country and be a result of either noncombat activities of the U.S. armed forces or the negligent or wrongful acts of civilian employees or military members. "Noncombat activity" is defined in the Glossary of AR 27-20, as "authorized activities essentially military in nature, having little parallel in civilian pursuits, which historically have been considered as furnishing the proper basis for payment of claims. Activities excluded are those incident to combat, whether in time of war or not, and use of military personnel and civilian employees in connection with civil disturbances."

b. **Application of Rules.** In this case, the claim arose in Afghanistan, a foreign country. An investigation is being completed between U.S. Forces and the local Afghanistan police. After the incident, U.S. Forces and Afghani law enforcement conducted separate investigations. Evidence supports the negligence of the U.S. Forces and therefore the claimant should be compensated accordingly.

5. **Damages.** The claimant filed an SF 95 on 26 June 2006. The SF 95 requests compensation for the loss of the son.

6. **Proposed Settlement or Action.** This claim is payable under the Foreign Claims Act because the loss occurred as a result of a U.S. government personnel's negligence. This claim should be settled for 200,000 Afghani to compensate the family for their loss.

7. Point of contact is the undersigned at (318) 231-4603.

(3)(b)(

(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

Encls.

Road 33100 Begram Airfield JUC

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of the form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency:			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, street, city, State and Zip Code)		
			(b)(6) Kabul Province District 17 Kabul Afg		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH (b)(6)	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT 29 May 2006, Monday	7. TIME (A.M. or P.M.) AM	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.)					
My son was selling (b)(6) I heard that there was a traffic accident. I went to help my son put away things, while I was helping him a us (b)(2)High opened fire and a bullet struck my son in the nose and exited the back of his head. He died. He was (b)(6) years old. My family is deeply saddened at his loss. He was the provider for the family. I am unable to work because of injuries I received from the Taliban.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code)					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.)					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.					
(b)(6) son of (b)(6)					
11. WITNESSES					
NAME			ADDRESS (Number, street, city, State, and Zip Code)		
12. (See instructions on reverse) AMOUNT OF CLAIM (In dollars)					
12a. PROPERTY DAMAGE -	12b. PERSONAL INJURY \$6000	12c. WRONGFUL DEATH 1 deceased person	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$6000 0.00		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) (b)(6) witness			13b. Phone number of signatory (b)(6)	14. DATE OF CLAIM Secondary Primary 26 Jun 2006	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000 plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)		
95-109		NSN 7540-00-634-4046		STANDARD FORM 95 (Rev. 7-85) (E) PRESCRIBED BY DEPT. OF JUSTICE	

FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: **AIU-06-084** 2. DATE REQUEST FILED: **20 July 2006**

3. NAME AND ADDRESS OF CLAIMANT: (b)(6)

4. NAME AND ADDRESS OF REPRESENTATIVE: **N/A**

5. DATE AND PLACE OF INCIDENT: **29 May 2006, Afghanistan**

6. AMOUNT REQUESTED: **300,000 Afghani**

7. EQUIVALENT IN US CURRENCY: **Current Exchange Rate**

8. FACTS: **See investigation memo**

9. LIABILITY: **The request is cognizable and considered meritorious**

10. QUANTUM:

Amount requested: **300,000 Afghani**

Amount Approved: **200,000 Afghani**

11. FUND CITE # (b)(2) High
(b)(2) High

12. ACTION: **Claimant paid for substantiated loss**

13 PAYMENT AMOUNT: **200,000 Afghani**

14. EQUIVALENT IN US CURRENCY: **Current exchange rate**

15. COMMISSIONER'S SIGNATURE/DATE:

(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

STATEMENT OF AGENT OFFICER'S ACCOUNT

DISBURSING OFFICER'S NAME, ADDRESS, DISBURSING STATION SYMBOL NO.		AGENT OFFICER'S NAME, GRADE, SSN, UNIT ADDRESS (Include ZIP Code/APO number and Telephone number)	
2LT	(b)(3), b(6)	TSGT	(b)(3), b(6)
FINANCE & ACCOUNTING DEPUTY DISBURSING OFFICER		OSJA	
BAGRAM AIR BASE		BAGRAM AIR BASE	
APO AE 09354		APO AE 09354	
DSSN 5570		BUSINESS DATE:	21-Jul-06
		(b)(2)High	

TRANSACTIONS AFFECTING AGENT OFFICER'S ACCOUNT

(b)(2)High

STATEMENTS			
DISBURSING OFFICER		AGENT OFFICER	
(b)(3), b(6) ON ADVANCE: I HAVE INTRUSTED FUNDS AND/OR OTHER ITEMS AS INDICATED IN THIS STATEMENT TO THE ABOVE NAMED AS MY AGENT OFFICER.		(b)(3), b(6) ON ADVANCE: I, AS AGENT OFFICER, HAVE RECEIVED FUNDS AND/OR OTHER ITEMS AS INDICATED ABOVE. I HAVE ASSUMED PECUNIARY RESPONSIBILITY THEREFORE. I WILL NOTIFY THE DISBURSING OFFICER IMMEDIATELY UPON DISCOVERY OF ANY LOSS OR SHORTAGE, AND I HAVE RECEIVED AND UNDERSTAND WRITTEN INSTRUCTIONS CONCERNING MY OBLIGATIONS AND RESPONSIBILITIES AS AN AGENT OFFICER.	
DATE	(b)(3), b(6)	DATE	(b)(3), b(6)
21-Jul-06		21-Jul-06	
<input type="checkbox"/> ON RETURN: I HAVE RECEIVED FUNDS AND/OR OTHER ITEMS AS INDICATED ON THIS STATEMENT FROM THE ABOVE NAMED AGENT OFFICER.		<input type="checkbox"/> ON RETURN: THE ABOVE STATEMENT OF ACCOUNT IS CORRECT.	
DATE	SIGNATURE OF DISBURSING OFFICER	DATE	SIGNATURE OF AGENT OFFICER
21-Jul-06	2LT (b)(3), b(6)	21-Jul-06	7597 (b)(3), b(6)

DD Form 1081, MAY 75 (EG)

PREVIOUS EDITION IS OBSOLETE

MS Excel Version

Encl 7a

S. DEPT, BUREAU, OR ESTABLISHMENT AND LOCATION DEPARTMENT OF THE ARMY DEAS-IN INDIANAPOLIS, IN 46249	DATE VOUCHER PREPARED <p style="text-align: center;">22-Jul-06</p> CONTRACT NUMBER AND DATE REQUISITION NUMBER AND DATE	SCHEDULE NO PAID BY FOBA5 DFAS-IN INDIANAPOLIS, IN 46249 DSSN: 5570 DATE INVOICE RECEIVED <p style="text-align: center;">22-Jul-06</p> DISCOUNT TERMS PAYEE'S ACCT NUMBER
---	--	--

PAYEE'S NAME AND ADDRESS (b)(3), b(6) BAGRAM, AFGHANISTAN	GOVERNMENT B/L NO
--	-------------------

SHIPPED FROM	TO	WEIGHT	GOVERNMENT B/L NO
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NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <small>(Enter description, item no. of contract or Federal supply schedule, and other information deemed necessary)</small>	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	
		Foreign Claim Commission CASE NO. #: AIU-06-084 Date Request Filed: 22 July 2006				3,991.22
		Current Exchange Rate				0
TOTAL						3,991.22

PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input checked="" type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	(Payee must NOT use the space below) Certified by: Patrick J. Woolsey, CPT, JA Foreign Claims Commission	DIFFERENCES Amount verified, correct for (Signature or initials)
---	---	--

22-Jul-06 <small>(DATE)</small>	(b)(3), b(6) <small>(Authorized Certifying Officer)</small>	DISBURSING OFFICER <small>(TITLE)</small>
------------------------------------	--	--

ACCOUNTING CLASSIFICATION
 (b)(2) High

Accounting Classification Verified by: (b)(3), b(6) 2LT, FC, Deputy Disbursing Officer 10th SSB (FWD)

PAID BY	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHI	BANK (Name of bank)
	CASH	DATE	PAY	
	\$3,991.22	22-Jul-06		(b)(6)

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 522 and 526, for the purpose of disbursing Federal money. The information requested is to identify the particular vendor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Figure 8

FILE NUMBER AIU-06-084	For use of the form, see AF 27-20; the proponent agency is the Office of The Judge Advocate General	DATE 0250106
DATE OF INCIDENT 29 May 06	PLACE OF INCIDENT Kabul, Afghanistan	
I hereby agree to accept the sum of 3991.22 in full satisfaction and final settlement of all claims which I have or may have against the United States, its officers, agents, and employees, for all damages and injuries, if any, incurred by me:		
Foreign Language Text		Dari
بدین وسیله با رضایت کامل موافقت میکنم که در صورت تصفیه حساب نهایی بابت تمام مطالبات شو و جراحاتی که از طرف ایالات متحده آمریکا، افسران، مامورین و کارمندان آن بر من وارد گردیده، بپذیرم.		
(b)(6)		
N/A		

DA FORM 1665, 1 JUL 74

PREVIOUS EDITION OF THIS FORM
WILL BE USED UNTIL EXHAUSTED

CLAIMS SETTLEMENT AGREEMENT

USARP 01-00

Kabul Commanding Office
Police Station 17
Criminal Office
Area Controlling Office

Question	Date	Responding
<p>Attention To The Governor District 17th</p> <p>According to the claimant request (b)(6)) Son of ((b)(6) (b)(6)) main residency of ((b)(6)) current residency of ((b)(6)) of Kabul, He is claiming that his son was killed as result of traffic accident which was took placed at district 17th on 29 May 2006, in order to have the complete information. The elder village and the mosque Chaplin is responsible to write down what happened based on what information they have.</p> <p>Sincerely (b)(6) Chief Police District 17th</p>		<p>Attention To The Police Station 17th</p> <p>Dear Sir:</p> <p>According our death list, (b)(6) (b)(6) Son of (b)(6) . Was killed on 29 May 2006.</p> <p>Sincerely Governor District 17th 22/3/85 12 June 06</p>

Kabul Commanding Office
Police Station 17
Criminal Office
Area Controlling Office

Question	Date	Responding
<p>Attention To The 102 Baster Hospital</p> <p>According to the claimant request (b)(6)) Son of ((b)(6) (b)(6)) main residency of (b)(6) current residency of (b)(6) of Kabul, he is claiming that his Son by the name of (b)(6) was killed as result of coalition forces traffic accident which was occurred on 29 May 2006, at Kabul in (b)(6) after the accident Mr. (b)(6) transferred to the hospital. Therefore we need know that at which time and date he was transferred to the hospital, and also what type of injury he had.</p> <p>Sincerely (b)(6) Chief Police District 17th</p>		<p>Attention To The Police Station 17th</p> <p>Dear Sir:</p> <p>According to the emergency room registrations one death body by the name of (b)(6) son of (b)(6) transferred to our hospital. He was shot.</p> <p>Sincerely Doctor 22/3/85 12 June 06</p>

Foreign Language Text, (b)(6)

Abdul Mobeen

I - 250K (A)

II - 900K (A)

III - 250K (A)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

(b)(6)

(b)(6)



(b)(6)

(b)(6)

(b)(6)

(b)(6)