

TF-Iron
Foreign Claims Cover Sheet

File # 8-IL9-050

Name (b)(6) Iraqi ID # _____
ATT with POA (b)(6)
Date Received 30 Aug 08 Date and Time of Incident 16 Feb 07
Claims Amount 5000 US Location Samarra hai AlSekak
Next Appt 30 Sept 08 Contact Info (phone/email) _____
Type of case: MVA RAID NEGLIGENCE REAL PROPERTY LAND
EOF OTHER shooting

Additional Evidence Needed email for
need POA from attorney

SGT (b)(3), (b)(6) lack of evidence 17 Sep 08

Check Upon Completion:	
Intake (b)(3), (b)(6)	_____
Tracker Updated <u>9 Sep 08</u> (b)(3), (b)(6)	_____
Translation (b)(3), (b)(6) <u>915108</u>	_____
SIGACTS/CCIR <u>17 Sep 08</u> Name <u>SGT</u> (b)(3), (b)(6)	_____
Adjudication <u>25 Sep 08</u> CPT (b)(3), (b)(6)	_____
Notification <u>18 OCT 08</u>	_____
Appealed YES <input checked="" type="radio"/> NO	_____
Tracker Updated	_____
Filed	_____
Recommend GWP YES <input checked="" type="radio"/> NO	_____
Made GWP YES NO	_____
Tracker Updated	_____
Sent to USARCS	_____

TF Iron Claims Intake Form

Name of Claimant: _____ (b)(6)

- Iraqi ID Card Seen and Identity Verified Iraqi Resident
 Copy of Iraqi ID Provided (Hometown is _____)

POA/Attorney Name _____

- Power of Attorney provided Original Seen
 Names Match If POA, state relation _____

Decedents (if applicable list names below)

1. _____ (b)(6) 2. _____
3. _____ 4. _____

Claim arose at: _____ (Town) Samarra (City)

Claim arose on: 16 Day Feb Month 08 Year

Time of Day: 2 _____

Proof of Ownership: _____

- Vehicle VIN Number Match Sales Contract Provided
 Land Deed (Name Match) Other (explain) _____

Death Certificates

- Original Seen Cause of Death shots
 Name Match Age of Decedent 36 or 37

Medical Report/Legal Expert Opinion

- Legal Expert Report Attached: (total damages \$ _____)
 Medical Report (State type and severity of injury)

death cert from hospital,

Brief statement of the incident on which the claim for damages is based.

Claimant's husband was shot in Samarra on 16 Feb 07, uncertain time. Death certificate cites multiple bullet holes. No eyewitnesses. No unit identified, no idea of who was shooting or at what. Not compensated. This is her first time to contact CF. He went to general hospital in Samarra. Police station notified claimant of husband's death. Don't know if anyone else was killed. No ID of the deceased.

Witness Statements

1. *Witness #1:* (Name) _____ Eyewitness *not*

Synopsis of Testimony: _____

2. *Witness #2:* (Name) _____ Eyewitness *not* Consistent w/ First
 Same Story as First Witness

Synopsis of Testimony: _____

Itemized expenses/damages resulting from the property damage or personal injury:

<u>Item</u>	<u>Amount</u>

Total: 5000.00 US

I claim these total damages: (Indicate amount in U.S. dollars and local currency)

\$ 5000.00 Iraqi Dinar _____

(b)(6)

→ _____
(Signature of Claimant)

Subscribed before me this 30 day of August, 2008.

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

(Signature)

Total Evidence Provided (Check all that apply)

- Witness Statements (#2)
- Proof of Ownership
- Medical Documents
- Legal Expert Report
- Police Report
- Photographs X
- Other _____
- Other _____
- Other _____



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION
MULTI NATIONAL DIVISION NORTH
OFFICE OF THE STAFF JUDGE ADVOCATE
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

AEPV-THH-CL

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 المشتكى 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 قضيتي , وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,ا,ب,اوم 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 الم و الغضبة سوف تغلق اداريا وفقا للقانون.

(b)(6)

Claimant Signature

Sworn before (b)(3), (b)(6)

on 30 day of August 2008.

CENTCOM 008362

8-IL9-050

(b)(6)

18 OCT 08



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 1ST ARMORED DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER
TIKRIT, IRAQ APO AE 09393

موضوع / رفض قضية

- أ- ان الشكوى التي قدمتها قد تم رفضها للأسباب 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 الخطىء الذي تسببت فيه .
- E. - اخرى -----

ب- اذا كانت هذه المرة الاولى ينظر بقضيتك في هذا المكتب , تستطيع ان تقدم استئناف خلال (30) يوما من استلام هذه المذكرة , للاستئناف كذلك يجب ان يجلب المشتكى المزيد من المستمسكات لاثبات صحة القضية , اذا ارسلت القضية للاستئناف فيما بعد ولم تضيف مستمسكات اخرى سوف ترفض القضية للمرة الثانية .

(b)(6)

الكابتن: جون بوتنيار
قاضي ومحامي الدفاع
مكتب الادعاء

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

SGT, US Army
Claims NCOIC
MND-N, COB Speicher

CENTCOM 008363



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

AETV-THH-CL

25 September 2008

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 8-II.9-050

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

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred in the Hai Al-Sikak district of Samarra on 16 February 2007.

3. **Amount of claim and date it was filed:** On 30 August 2008 the claimant filed a claim asking for \$5,000.

4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, (FCA) 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20 and Department of the Army Pamphlet 27-162, Chapter 10. This claim was filed properly and on time.

5. **Facts:** On 16 February 2007 claimant alleges that her husband was shot by CF in Samarra. Claimant was uncertain of the time of the shooting. There were no eye witnesses. Local police notified the claimant of her husband's death. Claimant submitted the death certificate of her husband.

6. **Opinion:** This claim recommended for denial under the FCA because the cause of the claim was combat activity. Claims arising "directly or indirectly" from combat activities of the U.S. armed forces are not payable (DA PAM 27-162, paragraph 10-3b). This incident is combat activity in the form of an escalation of forces or a stray bullet from a distant firefight. However, there is insufficient evidence to prove that CF shot and killed claimant's husband. The claimant's file wasn't well documented. A search of SIGACTs did not find a match. Note, an exact SIGACT match is rare.

7. **Recommendation:** This claim is denied because of combat activity and insufficient evidence.

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

CPT, JA
Chief, Claims

CENTCOM 008364

8-IL9-050

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CP-CL

(b)(6) (b)(6) yrs old lives in Sammarra claims that on February 16th 2007 the CF start shooting randomly in Hai- ALSikak area in Sammarra and some of the bullets hit her husband and killed immediately. Therefore she is asking for compensation from the CF.
Statement date July 20th 2008

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CJ

On February 16th 2007 the CF start shooting randomly and some of the bullets hit her husband (b)(6) (b)(6) and killed immediately. Therefore she is asking for compensation from the CF.
Statement date June 24th 2008

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WS1

(b)(6) (b)(6) yrs old say on February 16th 07 there were shooting in Hai- ALSikak by the CF and bullets hit the claimant's husband (b)(6) and killed him immediately.
Date July 20th 08

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WS2

(b)(6) yrs old lives in Hai- ALSikak says on February 16th 07 in Hai- ALSikak the CF start shooting randomly and bullets hit the claimant's husband (b)(6) and killed him immediately.
Date July 20th 08

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D-Diagram

From what we have heard there was a shooting and the claimant's husband was shot and died immediately and the incident place is 2km far from the police station in Sammarra.
Inspection officer's statement on July 7th 08

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DC

Name: (b)(6)

Gender: male

Nationality: Iraqi

Date of birth: (b)(6)

Religion: Muslim

Date of death: February 16th 2007

Reason for death: fire shooting

CENTCOM 008365

Pages 8 through 12 redacted for the following reasons:

foreign language text, (b)(6)

foreign language text, (b)(6)

M 008371