

7D 16 Feb 08

4DN

~~7D 8 Mar 08~~

(b)(6)

08 I 92 27 105

DENIAL CLAIM FILE CHECKLIST

(b)(3), (b)(1)

13 Ma-02

(b)(2)High

CLAIMS CHECKLIST

CLAIM NUMBER: 08I92T 105 AMOUNT OF CLAIM: \$ 15000  
CLAIMANT'S NAME: (b)(6)  
DATE OF INCIDENT: 11 October 2007 DATE FILED: 3 January 2008 DATE RECEIVED:

CLAIM TYPE:  
Vehicle Damage Detainee Property Damage During Raids  
SAF Damage/Injury Real Estate Other  
CLAIM AROSE FROM:  
Combat Activities Non-combat Activities  
CLAIM IS:  
(b)(5)

BRIEF OVERVIEW: The Claimant states that her home was damaged and her father was killed when coalition Forces engaged her house on accident

REMARKS:  
(b)(5)

Check Sigact  
REVIEWED BY: ~~SPC~~ SPC (b)(3), (b)(6) DATE REVIEWED: 3 Jan 08

FCC COMMENTS  
Denied - Combat activity -  
Claims card is not from the event she is claiming - final denial  
19 Feb 08  
DATE APPROVED/DENIED: 9 Feb 08

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

APPROVED  
Amount Approved: \_\_\_\_\_  
Approval Memo  
Settlement Agreement  
SF 1034  
Disbursing Officer Memo



REPLY TO  
ATTENTION OF:

AFZN-BC-FCC

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM  
MULTI-NATIONAL DIVISION—BAGHDAD  
FOB FALCON, BAGHDAD, IRAQ  
APO AE 09361

Claim of [REDACTED] (b)(6) 08-I92-T105

ACTION

1. Facts: The claimant alleges that on 11 October 2007, her son was killed by US Forces.
2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

[REDACTED]  
(b)(3), (b)(6)

CPT, JA  
FCC I92



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM  
MULTI-NATIONAL DIVISION—BAGHDAD  
FOB FALCON, BAGHDAD, IRAQ  
APO AE 09361

AFZN-BC-FCC

Claim of [REDACTED] (b)(6) 08-I92-T105

ACTION

1. Facts: The claimant alleges that on 11 October 2007, her son was shot and killed by US Forces.
2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

[REDACTED]  
(b)(3), (b)(6)

CPT, JA  
FCC I92



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM  
MULTI-NATIONAL DIVISION-BAGHDAD  
FOREIGN CLAIMS COMMISSION  
FOB FALCON, BAGHDAD, IRAQ  
APO AE 09361

March 9, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-I92-T105  
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army  
Foreign Claims Commission I92



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM  
MULTI-NATIONAL DIVISION-BAGHDAD  
FOREIGN CLAIMS COMMISSION  
FOB FALCON, BAGHDAD, IRAQ  
APO AE 09361

February 16, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-I92-T105

Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son by US Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

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Sincerely,

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

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

Captain, U.S. Army

Foreign Claims Commission I92

Claims Form  
طلب تظلم

Name: (b)(6) الاسم:

Address: (b)(6) العنوان:

I am Iraq أنا  
a. A national citizen of: Iraq - أ. أحمل جنسية: /

b. A permanent resident of: Above address ب. عنواني الدائم: /

c. Employed by: / ت. أعمل لدي: /

Reconsideration:  
Claims Card  
I  
Recommended  
CERP  
because she cried  
when I did the  
denial -SGT (b)(3)(b)(4)

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, and Telephone Number)

in claims card -

أنتي اتظلم لدي حكومي الولايات المتحدة للأضرار والإصابات التي نجمت من: (المنظمة، الوحدة العسكرية)

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

Death of her son

الممتلكات المتضررة مملوكة من: (إذا كان عذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء اخطار المستمسكات التي تخولكم وتوكلكم للتقدم بهذا التظلم، أو أي دليل من ممثلين رسميين. إملأ التظلم بالأسفل للأفراد المتقدمين بالشكوي للإصابات أو الأضرار التي أصابتهم.)

My claim arose at: Al-Dora, Arab Sabour - Baghdad Iraq  
(Town) (City) (Country)

تظلمي قدم في: القرية المدينة البلدة أو المحافظة

My claim arose on: Oct 11 2009  
Month Day Year

تظلمى قدم فى: \_\_\_\_\_  
الس يوم شهر

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.)

While her son was working in Adura Market  
the coalition forces opened adme towards him

بإختصار أشرح ما حدث والأضرار التي أصابتك جراء ذلك ، سواء كانت جسدية أو ممتلكات . (الرجاء استعمال خلفية هذه الورقة إن لم تكن الأسطر لتكفى)

and got a shot on his head and died .

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
<u>Person killed</u>	<u>1575000</u>

Total: 1575000

أشرح بالتفصيل متي تضرر والكلفة للممتلكات أو للإصابات الجسدية وتكلفتها (الرجاء إضافة الثبوتات والمتمسكات والفواتير الضرورية لكل شئى لوحدة)

الشئى المتضرر \_\_\_\_\_  
تكلفته \_\_\_\_\_

إجمالي التكلفة: \_\_\_\_\_

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

No insurance

لدي تأمين على الممتلكات أو الضرر الجسدي المتضرر بما يوازي:

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

\$ 15,000

I.D. /

أطالب بتعويض للأضرار يوازي (اكتب بالدولار الأمريكي أو العملة المحلية)

العملة المحلية /

\$

I (have/ have not) previously filed a claim relating to the incident described above.

سابقاً (فمت) (لم أقم) بتقديم بلاغ لهذه الحادثة المذكورة بالأعلى

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

لحسن علمي طلب تظلم (قدم) (لم يقدم) لهذه الحادثة المذكورة بالأعلى

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

ملاحظة: بالتوقيع أسفل هذا التظلم فإن تقسم على أن كل المعلومات المقدمة في هذا التظلم هي صحيحة وحقيقية. أي شخص يحاول تقديم تظلم كاذب أو يزور التظلم ضد حكومة الولايات المتحدة الأمريكية سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات.

(Signature of Claimant)

(توقيع التظلم) الرجاء كتابة الاسم والتوقيع

Subscribed to me this 15 day of Nov, 2009

(Signature of Witness)

(Printed Name)

MULTINATIONAL  
FORCES - BAGHDAD

### IRAQI CLAIM CARD

The Army may pay claims to Iraqi civilians for property damage, injury and death caused by US Forces.

Fill out the required information below.

Give this card to the Iraqi civilian, or other appropriate person in the case of death.

Direct claimant to the nearest Government Information Center or the Iraqi Assistance Center. Do not promise them anything.

Upon return to your FOB, complete a SF 91 or DA Form 2823. Describe the incident completely and forward it to your nearest legal office. NOTE: This information is NOT an admission of liability by the Soldiers involved and will be used only to substantiate a claim against the US Army.

1-40 CAV

15 July 07

Reviewed and R

INCIDENT Death of 2 sons / husband

IRAQI CLAIM CARD

السلام عليكم ورحمة الله وبركاته

أخي المواطن الكريم، مقابل الأضرار التي لحقت بك، سواء كنت قسراً  
ضحية من إصابات أو غيره، أو موت لا سمح الله لأحد من أفراد عائلتك،  
التي سببها وراء ذلك القوات الأمريكية فقد يكون لك الحق في التعويض.  
للتقديم ليبلغ والمطالبة بخصمك الرجاء إخطارنا، هذه البطاقة وجوبت  
للإشارة مع كل الأوراق الرسمية المتعلقة بهذا الأمر والتي تكتمل الموضوع من  
أشياء العائدات شهادة الشهود، تقرير الشرطة، ووثائق الاستلام أو  
التسجيل، وإثبات الملكية لا نحطم أو نفسر ولا نحاول أن نحصل على تعويض  
نفسه، ورجونا المساعدة إن كنت تحمل رخصة.

نحن نعتز بخدمتنا، وسنحاول أن نساعدك في مركز المساعدة العراقي في معسكر  
القوة في النويبة الهندية في معسكر فالكون، العمودية في معسكر  
القوة في معسكر كاسو، معسكر دوكل.  
إذا كنت بحاجة للمساعدة أو معلومات أكثر، يرجى الاتصال بـ  
رقننا: 1-40 CAV أو مقيمة الصخرة تيمان الرشيد.  
نحن نعتز بخدمتنا، وسنحاول أن نساعدك في مركز المساعدة العراقي في معسكر  
القوة في النويبة الهندية في معسكر فالكون، العمودية في معسكر  
القوة في معسكر كاسو، معسكر دوكل.

السلام عليكم ورحمة الله وبركاته

Language

The report explains that

the legal heritage of the victim belongs  
to his parents and brothers.

(b)(6)

Page 13 redacted for the following reason:

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Foreign Language Text

Foreign Language Text, (b)(6)

police report show that

it was impossible to examine the location

accident and make diagram because it is

Military Area - and Iraq army forces transported

the body too.

### claimant Statement.

She said that on oct/11/2007 at 06:30 a.m  
Her son came out to the Aldura Area he was being  
working there. about 02:00 some body phoned her  
son got a shot by coalition forces and they he moved  
By Iraq Army to the police station. her son was shot  
because they thought he is terrorist but he isn't  
guilty.

Page 16 redacted for the following reason:

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Foreign Language Text, (b)(6)

Mother victim was born in (b)(6) she lives  
At Aldura - Hour Rajub. She said on Oct/11/2007  
Her son came out of the house to the market his  
job pushing a roller for a little wage. so while he  
was being there the coalition forces opened a fire  
towards him and he got a shot on his head and he  
killed. The Coalition forces alleged that her son  
is a terrorist. But her son is young and he  
didn't carry any weapon and did illegal job. -  
Now she complains coalition forces asking for compensation.

Page 18 redacted for the following reason:

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Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

After police received <sup>the</sup> body from Iraq army  
they examined it. the victim in

(b)(6)

(b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

*Police warned the Justice  
the write down the statements of the  
claimants*



Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)