



**DEPARTMENT OF THE ARMY**  
3<sup>rd</sup> Infantry Brigade Combat Team Command Judge Advocate  
3<sup>rd</sup> Infantry Brigade Combat Team  
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

17 November 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 07-I14-T014

1. Claimants name and address: (b)(6) Haweja, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 25 July 2006 in Haweja, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 6 November 2006.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for a wrongful death.
5. Facts:
  - a. (b)(6) claims that on 25 July 2006, CF were setting up an ambush for a vehicle when they started shooting at the claimant.
  - b. There was a power of attorney, death certificate, and a witness statement included in the submitted claim.
  - c. The incident was unable to be verified by the unit responsible.
6. Opinion:
  - a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

CENTCOM 008158

APVG-ZZO-JA

SUBJECT: Claim of (b)(6) , 07-I14-T014

- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.
7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$2,500.00 is denied.

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

CPI, JA  
Foreign Claims Commissioner