updated tracker 4/4/08

TF Iron
Foreign Claims Cover Sheet

File #: 8-I9C-014

Name: (b)(6)

POA/ATT: None

Date Received: 26 Feb 08 **Date of Incident:** 16 Sep 07

Claim Amount: $2500 **Location:** Samarra, Iraq

Next Apt: 11 Mar 08 **Contact Info:**

Additional Evidence / Further Investigation:

Check Intsum ☐ **Check Sigacts** ☑
Check Investigation Spreadsheet ☐

Approved ☐ **Denied** ☒ SEND TO 1/101 FOR CERP 4/04/08

☐**Goodwill Payment Recommended:**
☐**Approved:** ☐ **Denied:**

☐**MVA** ☐**RAID** ☐**LOST** ☐ **NEG FIRE** ☐**REAL** ☐**LAND**
☐**OTHER:**

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

REPLY TO ATTENTION OF

AETV-THH-CL 4 April 2008

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6), 8-I9C-014

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

2. **Date and place the incident occurred giving rise to the claim**: The claim occurred 16 September 2007.

3. **Amount of claim and date it was filed:** On 26 February 2008 the claimant filed a claim for $2,500.

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 properly filed in a timely manner.

5. **Facts:** The claimant alleges that Coalition Forces (CF) killed her husband during a shoot out with the insurgents at around 1000. Two witnesses made statements. (b)(6) (b)(6) stated that his brother was driving to work and he was shot and killed by CF. (b)(6) stated that CF killed his relative on 16 September 2007. The death certificate was issued on 16 September 2007. The claimant also alleged that she was given a claims card but it was lost.

6. **Opinion**: The search of SIGACTs found that on above day at 1022 in Diyala Province Iraqi Army came under small arms fire from the insurgents and one insurgents was killed. No other SIGACTs provided any other information. The claimant or the witnesses did not indicate to the judge or in their statements that CF gave them the claims card. The claimant failed to provide sufficient information to substantiate her claim.

7. **Recommendation:** This claim is disapproved.

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

CPT, JA
Claims Judge Advocate

TF Iron Claims Intake Form

Name of Claimant:__ (b)(6)

☐ Iraqi ID Card Seen and Identity Verified ☐ Iraqi Resident/ (b)(6)

☐ Copy of Iraqi ID Provided (Hometown is _____)

POA/Attorney Name None

☐ Power of Attorney provided ☐ Original Seen

☐ Names Match ☐ If POA, state relation _____

☐ Decedents (if applicable list names below)

1. _____ 2. _____

3. _____ 4. _____

Claim arose at: Samarra
(Town) (City)

Claim arose on: 16 Sep 2007
Day Month Year

Time of Day: 1100

Proof of Ownership:

☐ Vehicle VIN Number Match ☐ Sales Contract Provided

☐ Land Deed (Name Match) ☐ Other (explain)_____

Death Certificates

☑ Original Seen ☑ Cause of Death Bullet to the Chest/Stomach

☑ Name Match ☑ Age of Decedent__ (b)(6) _____

Medical Report/Legal Expert Opinion

☐ Legal Expert Report Attached: (total damages $_____)

☐ Medical Report (State type and severity of injury)

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

CF Shoot/Killed her husband during fighting with Insurgents
Husband is (b)(6)

CF Shoot/Killed her husband while he was going to work.

Name (b)(6)
Type SAF
time: 9/16/07

CENTCOM 008253

Name (b)(6)
Type ...

Time Observed Long 9/11/07 1148

Witness Statements

1. *Witness #1*: (Name) (b)(6) ☒ Eyewitness

Synopsis of Testimony: Saw CF shoot Van that the school personel was in.

2. *Witness #2*: (Name) (b)(6) ☐ Eyewitness ☑ Consistent w/ First ☑ Same Story as First Witness

Synopsis of Testimony:

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

Item	Amount
Death of Husband	$2,500

Total: $2,500

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

$ 2,500 Iraqi Dinar

→ (b)(6)

(Signature of Claimant)

Subscribed before me this 26th day of February, 2008.

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

(Print Name)

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

(Signature)

Total Evidence Provided (*Check all that apply*)

☑ Witness Statements (#__) ☐ Proof of Ownership ☐ Medical Documents
☐ Legal Expert Report ☐ Police Report ☐ Photographs
☐ Other_____ ☐ Other_____ ☐ Other_____

8-I9C-_014

GPOA-general power of attorney | WS-witness statement | CJ-claimant statement to judge | P-picture
JF-judge finding | CP-CL statement to police | D-diagram | DC-death certificate | O-other (list)

GPoA (b)(6) Gives GPoA to (b)(6) to Represent her for claim dated Jan-3-2008

CP-CL (b)(6) statement who legally took it the place on behalf of her husband (decedent) says:
on Sep 16 2007 at 10 AM her husband unknown killed by collation forces who was working as (b)(6) when he was in his way to work, shot by many bullet (Random) he died. she is looking for reimburse.

W.S (b)(6) born. Says:
on Sep. 16. 2007 his brother was driving to his work and he heard that the collation forces had been shot him and killed him.

(b)(6) born. Says:
on Sep 16-07. collation forces had been killed his brother when he was in his way to his work as (b)(6).

JF I have reviewed whole documents, don't make any things against collation forces. he has made his dession to close the case. allowed to wife to apply to reimburs.

W.S (police department)
(b)(6) Says:
His son had been killed by collation forces on Sep. 16-07
(b)(6) Say:
My relative had been killed by collation forces on Sep 16-07

D.C (b)(6) born, married, male, Death date on Sep. 16-07. death cause by bullet shoot in the chest and stomch.

CJ Judge decide to order the police department to stand their investigation.

others: police department they couldn't made their diagram on time because the body was sent to hospital

CENTCOM 008255

Pages 6 through 8 redacted for the following reasons:
- -
foreign language text, (b)(6)

Foreign Language Text

Approval custody

Foreign Language Text

Foreign Language Text, (b)(6)

power attorney

to (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 11 through 17 redacted for the following reasons:
- -
foreign language text, (b)(6)

(b)(6)

Foreign Language Text, (b)(6)

Statement

(b)(6)

in Police Department

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 20 through 21 redacted for the following reasons:
- -
foreign language text, (b)(6)

Foreign Language Text

Foreign Language Text

Statement to Judge. from

(b)(6)

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

REPLY TO
ATTENTION OF:

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 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 تاكيد لقضيتي , وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,ا,ب,ا,م 27-162, من الفقرة 13-3(ف).

2.وانا كذلك اوافق على اني اذا انتظرت اكثر من (60)ستون يوما من التاريخ المحدد من دائرة (السيماك) لأستلام النتيجة للقرار النهائي لقضيتي او لطلب التمديد خلال الفترة المحددة وهي (60) ستون يوما ,هذا سوف يتسبب برفض قضيتي . و القضية سوف تغلق اداريا وفقا للقانون.

Claimant Signature: _____ (b)(6) _____

Sworn before (b)(3), (b)(6) _, on 26th day of Feb 2008.