tracker updated 03/14

TF Iron
Foreign Claims Cover Sheet

File #: 8-I9C-022

Name: _____ (9)(q) _____

POA/ATT: None

Date Received: 11 Mar 08 **Date of Incident:** 01 Dec 06 / 1400

Claim Amount: $2,500 **Location:** Iraq

Next Apt: 25 Mar 08 **Contact Info:** _____

Additional Evidence / Further Investigation:
WHO TOLD CLAIMANT OF ~~DROPE~~ KILLED BROTHER?
WHY HE DIDN'T ~~TAKE~~ GO TO NEAREST HOSPITAL IN TIKRIT
NOTIFY CLAIMANT

Check Intsum ☐ **Check Sigacts** ☒ NO MATCH
Check Investigation Spreadsheet ☐ _____

Approved ☐ **Denied** ☒ I/E APPEALED
BUT I/E AND PICTURES DO NOT MATCH CL STORY

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

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

Foreign Language Text, (b)(6)

8-19-C-022

Foreign Language Text, (b)(6)

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

15 April2008

MEMORANDUM OF OPINION

SUBJECT: Appeal of claim of (b)(6) 8-I9C-022

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

2. **Date and place the incident occurred giving rise to the claim**: The claim occurred in Owja on 11 December 2006.

3. **Amount of claim and date it was filed:** On 11 March 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 appealed the denial of his claim arguing that the death certificate was issued in Tikrit. The claimant appealed within a timely manner and that was his only argument. The claimant stated that his brother was shot on the road to Mosul and he died on the way to the hospital. Upon the arrival at the hospital, he received the death certificate.

6. **Opinion**: The claimant failed to provide sufficient evidence to substantiate his claim. The interpreter reviewed the death certificate and determined that it had the stamp from the Tikrit hospital but otherwise it was not readable. There was no name and no date on the death certificate. The claimant stated that his brother was driving but the picture shows that the bullet hole was facing one of the non-driver seats. Based on the fact that the death certificate had no name and date and the claimant's story did not match with the provided pictures this claim is denied because the claimant failed to provide sufficient evidence to prove his claim under the FCA.

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

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

CPT, JA
Claims Judge Advocate

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

14 March 2008

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 8-I9C-022

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

2. **Date and place the incident occurred giving rise to the claim**: The claim occurred in Owja on 11 December 2006.

3. **Amount of claim and date it was filed:** On 11 March 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 CF shot and killed his brother when he approached in his vehicle a CF checkpoint near Owja. Two witnesses made statements. (b)(6) stated that CF killed the brother in Owja on 11 December 2006 at 12 PM. (b)(6) (b)(6) stated that he heard from the claimant that CF killed the claimant's brother on 11 December 2006. The claimant drove his brother to the hospital in Mosul from which he obtained a death certificate.

6. **Opinion**: The search of SIGACTS did not anything on point. The claimant did not provide any other information to substantiate the claim. Since the incident allegedly occurred in Owja, it remains unclear why the body was taken all the way to Mosul if the nearest hospital was in Tikrit. This claim is denied because the claimant did not provide sufficient evidence to substantiate the claim.

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

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

CPT, JA
Claims Judge Advocate

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 وهى (60) ستون يوما ,هذا سوف يتسبب برفض قضيتي . و القضية سوف تغلق اداريا وفقا للقانون.

(b)(6)

Claimant Signature: _____ _

Sworn before _ _th day of Mar 200 8.

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

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 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: Owja

(Town) (City)

Claim arose on: 11 Dec 06

Day Month Year

Time of Day: 1400

Proof of Ownership:

☐ Vehicle VIN Number Match ☐ Sales Contract Provided

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

Death Certificates

☐ Original Seen ☑ Cause of Death Bleeding by shooting wound.

☐ Name Match ☐ Age of Decedent_____

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.

CL is filing Claim on behalf of his brother whom he claimed was shot by (CF)

Witness Statements

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

Synopsis of Testimony: _____

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

Total: _____

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 11th day of March, 2008.

((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-022

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)

CL (b)(6) - he hasn't represent ATTY.
for his claim

CP-CL: (b)(6) (b)(6) born - Anbar province
resident says:

on Dec 11-06 my brother ~~he~~ has went out to Tikrit with his ~~vehicle~~ (b)(6) ~~Years~~ (b)(6) for licenes plate, Blue color. he was ~~[illegible]~~ driving in the highway - AL Owga city then the coalition forces had been shot his truck, later on he died after severe injury he is looking for riemburse for this incident

WS① (b)(6) (b)(6) born says:
on Dec 11-06 at 12 P.M the coalition forces had been shot (b)(6) when he was driving his truck Blu color, (b)(6) Year. when he arrived owga city it was a check point then they have shot him and killed him such as random shooting.

② (b)(6) (b)(6) born says:
He has heard from the brother of decendent was killed by coalition forces when he was driving in the highway its happend on Dec 11-06

Note: Both witness Not EYe witness.

CL with count: this statement in the Judge office (Sam story for the incident details

JF: close the investigation against coalition forces, to keep whole document in police department, to provide him a copy of the document to follow his claim where ever he want

8-I9C-022

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)

CJ ① witnes (b)(6) Sam details about the incident.

② witnes (b)(6) Sam details (statement) about the incident

Hospital police statement:
That (b)(6) the brother of who is killed says: His brother was shoot by coalition forces in owja town and they have transport ~~the~~ his brother to Mosule hospital but he has died in the way.

Police department to Judge office: That they have mad all the investigation, the decendent fathe and mother has been passed away, single (unmarriage)

D. The incident had happened at owja city close to highway They made their summary how the coalition forces had been shot him and killed him

(b)(6) (b)(6) male (b)(6) born, muslim, had been died on Dec. 11. 06 cause of death signs of bullet shot and bleeding.

~~Legal~~
Autopsy Report (5) pages descibe how the incident had happened There are signs many spots on the body with hall of bullet in back of the lef shoulder

Pages 11 through 21 redacted for the following reasons:
- -
Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 23 through 28 redacted for the following reasons:
- -
Foreign Language Text, (b)(6)