



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

MEMORANDUM FOR Record

SUBJECT: Claimant Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

- a. There is not enough evidence to prove your claim.
- b. The evidence shows that United States Forces did not cause the damage.
- c. The evidence shows that the damage was caused during combat.
- d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
- e. The evidence shows that your claim was fraudulent.

f. Other: Red guys

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[REDACTED]
CPT, JA
Chief of Claims

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11 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 06-IR8-797

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 22 November 2005 in Tikrit, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$7,500 on 6 June 2006.
4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner. This claim was accepted as a new claim because the individual was never given an opportunity to appeal the decision of the claim he filed at the FOB Danger CMOC in 2004.
5. **Facts:** The Claimant alleges his brothers were killed by CF when they were driving in a car near the intersection of the roads going to Al Alam and Abu Ajeel. A SIGACTS investigation revealed that 1-10 CAV observed several individual fires a rocket in Tikrit at the FOB Danger CMOC. The individuals fled in a car. CF engaged the car killing several AIF. Paperwork given to the claimant the last time he tried to file a claim in 2004 indicates that the claim was denied due to AIF entanglement.
6. **Opinion:** "Under AR 27-20, paragraph 10-3a(4), "Enemy national" status is a factor in determining whether a potential claimant is eligible to bring a claim under the FCA. This question presents a threshold issue; after that initial finding, a claimant's "unfriendly" status is factored into the exercise of discretion in considering a claim on its merits." Here, there is sufficient credible evidence that the claimant's brothers were involved with an AIF attack on the Tikrit CMOC.
7. **Recommendation:** The claim is denied [REDACTED]

~~EPT, JA~~
Claims Judge Advocate

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