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DEPARTMENT OF THE ARMY

Headquarters, 3rd Brigade Combat Team

3rd Infantry Division

FOB Warhorse, Iraq

APO AE 09397

REPLY TO ATTENTION OF:

AFZP-VI-JA

16 June 2005

MEMORANDUM OF OPINION

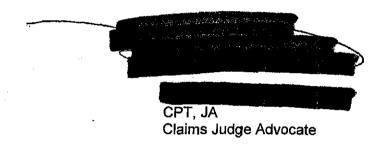
SUBJECT: Claim of 05-IA5-923b

1. Claimants name and address:

Baqubah, Iraq.

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 14 January 2005 in Al-Muqdadiyah, Baqubah, Iraq
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$7,000.00 on 9 June 2005.
- 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 damages sustained to claimant's personal injuries.
- 5. Claimant's Allegations:
 - a. Claimant states that her husband was riding on a bus when CF hit the vehicle.
 - b. Due to accident claimant's husband was killed.
 - c. There were witness statements, pictures, and death certificate submitted in the claim.
- 6. Investigator's Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

- b. There is sufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces.
- c. Based on the investigation and research, there was a report that verified that the accident occurred. Death of claimant's husband is estimated at \$6,000.00.
- 7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$6,000.00 is approved.



CLAIMS FORM

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