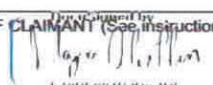


CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: Department of the Army Attn: The Office of the Judge Advocate 4411Llewellyn Avenue Fort Meade MD 20755			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. Mayra Guillen as intended REP: Khawam Ripka, LLP administrator of the estate of 601 Pennsylvania Ave. NW [REDACTED] So. Bldg., Suite 900 Washington DC 20004		
3. TYPE OF EMPLOYMENT <input checked="" type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 09/30/1999	5. MARITAL STATUS Single	6. DATE AND DAY OF ACCIDENT October April 2020	7. TIME (A.M. OR P.M.) multiple occasions	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). Sexual harassment, abuse, assault, rape and sodomy. This filing is brought in accordance with the decision of Spletstoser v. Hyten, case no.: 20-56180, in which the US Court of Appeals for the 9th Circuit, ruled that Feres does not bar an active duty service member from bringing an FTCA claim when they are a victim of sexual assault. We are bringing said claims on behalf of Vanessa Guillen, by her intended administrator Mayra Guillen. We are claiming her wrongful death as further damages, as a result of the sexual abuse, rape, sodomy and physical assault. Please see further basis of claim in the attached.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). N/A					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). N/A					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. From October 1, 2019, to April 22, 2020, SPC. Vanessa Guillen suffered mental anguish, fear, emotional distress, physical injury, and death as a result of sexual harassment, rape, sodomy, and physical assault. Further Vanessa Guillen and her heirs have lost her livelihood and income to the date of her natural death.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
Mayra Guillen Gloria Guillen		[REDACTED]			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights).		
	25000000.00000000	10000000.00000000	35000000.00000000		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM [REDACTED]	14. DATE OF SIGNATURE 8/12/2022	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No 17. If deductible, state amount.

SGLI

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

SGLI paid \$150,000 paid to the family of Vanessa Guillen as a result of Vanessa's military service

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A **SUM CERTAIN** FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.

C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

My little sister SPC Vanessa Guillen joined the United States ARMY in June 2018 right after graduating High School, she was eager to start her career with the US ARMY and protect our nation and her family. She was stationed in Fort Hood, TX. December of 2019. Everyone was happy she was very close to home, just a three-hour drive. January of 2020 her behavior started changing drastically to the point where it was affecting her daily life, my family couldn't understand why Vanessa was not the cheerful young woman that we all knew. Weeks after, Vanessa was able to find comfort in talking to my mother about what was affecting her life and career in the military. Vanessa was being sexually harassed multiple times by multiple higher ups in her chain of command. My mother found that very troubling and concerning, it was unacceptable. Vanessa pleaded my mother to not interfere as she would receive retaliation for speaking about the sexual harassment. Vanessa said she would handle the issues on her own and that she would be ok. My mother respected her decision to some extent, asking her to check in and letting her know as soon as she reported the harassment. Prior to a Regimental Field Training Exercise in September 2019 a higher up solicited my sister to participate in a sexual act, which she translated from English to Spanish a "threesome" as she retrieved a printed doc from the E/FST Orderly Room located above her assigned work area adjacent to the motor pool bays below. Upon returning to her work area, other soldiers noticed a significant change in her behavior. Vanessa did not take further action as to report to either SARC or Chain of Command. The second incident occurred when Vanessa was conducting personal hygiene during the Regimental Field Training Exercise in the same time frame. During the prescribed nightly perimeter check of the platoon, another higher up that was doing the perimeter check returned to the same area where Vanessa was doing her personal hygiene multiple times, she recalled the glow of a chemlight move across her and stop to watch her as she continued to do her hygiene. Vanessa was very uncomfortable after the incident and afraid to report once again in fear of retaliation of her superiors... Those encounters were not accidental whatsoever, he was sexually harassing my sister. Two soldiers can confirm that Vanessa was upset and very disturbed by these incidents. The recalled date is September 15, 2019. A soldier that cared for Vanessa decided to act on her behalf and try and report allegations of Sexual Assault, Sexual Harassment and or maltreatment. Vanessa suffered major retaliation after rumors regarding both incidents started to spread in the unit. In January of 2020 Vanessa called me crying stating that she wanted to commit suicide. Vanessa couldn't handle the sexual harassment or sexual assault that I wasn't aware of until April of 2020. My heart broke and I immediately headed to Fort Hood after finding out that she was admitted to Darnell Hospital in Fort Hood TX. My sister survived, but I was not ok with knowing that there was such a thing that gave her so much anguish to lead her to want to commit suicide and leave her family behind... it just wasn't her. No matter how many times I asked about what was hurting her, she would just say "work". In February of 2020, Vanessa confided in my mom about the sexual harassment, asked my mother to not speak on the sexual harassment as she feared for more retaliation. Vanessa said she would report...didn't get to do so. About a month later, on April 22nd of 2020 we could not contact my sister whatsoever after about 10:30 am. Raising concerns after not hearing from her all day, I decided it was time to call her command to see if they knew where she was. Her staff sergeant was not able to let me know about her absence, he had no answer regarding her location or what had happened. Several back-and-forth calls were given before he could tell me "No one has heard or seen her since lunch time", and again "she was supposed to report a serial number belonging to a weapon to the motor pool, she never made it there". As soon as I knew this information, I grabbed my purse, keys, an extra pair of clothing and rushed out the door. I arrived at Fort Hood at around 3:00 am,

drowning in tears and with so much fear I asked the guard if he was aware of the situation since I was told over the phone that they were actively looking for her...he had no idea of what I was talking about. Two months of worry, fury, injustice, protesting, on foot searching, vague investigations on behalf of the army, and tears led to Belton, TX. On June 30th, 2020, Vanessas body was found...it was in body parts, burned, in cement...in three different graves. Our biggest fear had become a reality. The ARMY refused to accept that there was any sexual harassment involved since the very beginning claiming that sexual harassment was not criminal therefore no investigation was going to be done. We refused to that answer and kept claiming for justice alongside our attorney Natalie Khawam. Two more investigations were done, and finally after pushing for months, the ARMY finally ACCEPTED that Vanessa had been sexually harassed on more than one occasion. The criminal investigation is still ongoing, we await on trial. My family endured so much in the last two years. My mother became so ill to the point we thought she was going to pass away...my father has endured so much pain that he never spoke on national TV. My siblings Guadalupe, Yovana, Manuel and Roger went through huge trauma, it affected their mental health, social life and future. None of us had the time to grieve or accept what had happened to our loved one. The hardest part was living in Killeen while we did on foot searches, unemployed, fighting the ARMY that was supposed to protect my sister, being stalked, fearing for our lives, and just asking for the bare minimum, JUSTICE. The ARMY must be held accountable for their wrong doings, the way they handled their investigations early on, the way that Vanessa was treated, the nightmare she had to endure while serving and only trying to serve her country and her family. Vanessa did not deserve to be sexually harassed, to be murdered, to be cut up into pieces, to be burned, to be buried into cement...to be taken away from life, from her family. We have a huge emptiness in our hearts ever since.