

Crime Awareness Newsletter

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Courtesy of the

**Department of Defense
Office of the Inspector General
Defense Criminal Investigative Service
Central Field Office**



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Indictments

Firearms Violations

Indictments were returned against Matthew S. Humlicek and Clifton Tyre Odom, both of Sonora, CA. Odom was charged with allegedly being in possession of 40 silencers while on probation for spousal abuse. Humlicek was charged with allegedly being in possession of the same 40 silencers and transferring them to Odom. Humlicek and Odom allegedly received the silencers from a former active duty U.S. Marine Corps officer who was later hired as a sheriff's deputy in Washoe County, NV. He has since been terminated as a result of a previous indictment for pos-

session of the silencers and possession of an illegal machine gun that were allegedly obtained illegally from the DoD. The Sacramento Post of Duty (POD) is conducting the investigation jointly with the Bureau of Alcohol, Tobacco and Firearms (ATF), the Naval Criminal Investigative Service (NCIS) and the Tuolumne County Sheriff's Department.

Gratuities

An indictment returned against John A. Harris, Jr., was unsealed. Harris, a marine surveyor for the Department of Transportation (DOT), Maritime Administration (MARAD), Chesapeake, VA, was charged with allegedly accepting a gratuity from a MARAD subcontractor. The indictment comes as a result of an undercover operation investigating kickbacks in connection with U.S. Government contracts within the maritime industry. Harris allegedly accepted tickets to a 1996 NASCAR racing event from an undercover agent posing as a maritime industry

subcontractor. In return, Harris provided the agent with inside bid information that resulted in the undercover agent's business being awarded a \$15,000 subcontract for work on a MARAD vessel docked in Jacksonville, FL. The Jacksonville POD is conducting the investigation jointly with the Federal Bureau of Investigation (FBI), the NCIS, the Internal Revenue Service (IRS) and with audit assistance from the Defense Contract Audit Agency (DCAA).

Conflict of Interest

An indictment was handed down in U.S. District Court, Orlando, FL, charging Sabrina O. Holmes, a Defense Contract Management Command (DCMC), Manassas, VA, employee with one count of conflict of interest. Holmes, a DCMC GS-14 engineer, conducted a systems review at Intellitec, Inc., DeLand, FL, and cited the company for not developing an integrated logistics support (ILS) procedure, as required by the contract. Holmes allegedly solicited work from Intellitec to develop the ILS plan through her side business, Holmes Consulting. After her departure, Holmes directed an Orlando DCMC engineer to issue a Correct Ac-

tion Request (CAR) citing Intellitec for not having ILS procedures, thereby compelling Intellitec's compliance. Holmes allegedly agreed to write the ILS procedures for Intellitec and have the CAR rescinded for \$12,000. On February 20, 2001, Holmes traveled to Orlando, FL, delivered the ILS documentation and was paid \$12,000. The Orlando resident Agency (RA) is conducting the investigation with the FBI.

Conspiracy

A 46-count superceding indictment was returned against Lenore Balsam Behar, Ph.D., former chief of Children's and Family Services, North Carolina Department of Health and Human Services, Division of Mental Health Developmental Disabilities, Substance Abuse Services. Behar was also a member of the Board of Directors of the North Carolina Israel Partnership (NCIP). This indictment incorporates charges in indictments returned on March 9, 2001, and May 5, 2001, and adds additional charges of conspiracy and false statements. Behar allegedly defrauded the DoD when funds and resources intended for the Fort Bragg Child/Adolescent Mental Health Demonstration Project were diverted. The Department of Health and Human Services (HHS) was allegedly defrauded when ineligible expenses were billed to the Title IV-E entitlement program.

Behar allegedly issued contracts to various public and private institutions such as the University of North Carolina-Chapel Hill, Chapel Hill, NC, and the Old North State Medical Society, Fayetteville, NC, and directed those institutions to subcontract with the NCIP. This provided the NCIP with operating funds. Those expenses were charged to and paid for by the Federal Title IV-E entitlement program, under the guise that the funds had been spent on training individuals to work in the area of foster care or adoption assistance. The Chapel Hill RA is conducting the investigation with the FBI and the HHS, with audit assistance from the DCAA.



Anti-Kickback Act

An information was filed against John Harbison, Mandeville, LA, charging him with violating the Anti-Kickback Act of 1986. Harbison is the owner of Marine Industrial and Mechanical Contractors, Inc. (MIMC), Mandeville, LA. The MIMC performed as a subcontractor to Bay Ship Management, Inc. (Bay Ship), Englewood Cliffs, NJ. Bay Ship, a U.S. Government

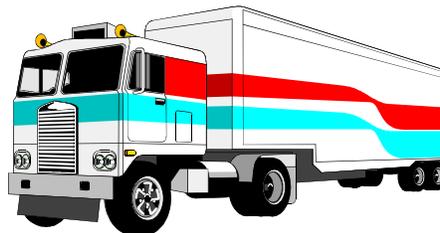
prime contractor, had multiple contracts that were valued in excess of \$200 million. Harbison allegedly provided a kickback to a former Bay Ship employee in exchange for favorable treatment in the awarding of subcontracts for repair work aboard U.S. naval ships operated by Bay Ship. This charge is the result of a 3½-year investigation into corruption within the maritime industry. Bay Ship provided management, personnel, operational and technical support to operate and maintain several Military Sealift Command (MSC) ships. The MSC primarily provides sea transportation of equipment, supplies and ammunition to sustain the U.S. Armed Forces during peacetime and war. The New Orleans RA is conducting the investigation with the FBI and the NCIS, with audit assistance from the DCAA.

Anti-Kickback Act

Vincent Patuto, former facilities management supervisor, Ebasco, Services, Inc. (Ebasco), Lyndhurst, NJ, pled guilty to conspiring to violate the Anti-Kickback Act of 1986, and subscribing and filing a false U.S. Individual Income Tax Return. Ebasco and its successors, Enserch Environmental Corporation and Raytheon Engineers and Constructors, were involved in engineering and construction in the Government and commercial sectors. In March 2001, Frederick Di-

Nonno, a former manager in Ebasco's Graphics Department, pled guilty to conspiracy and filing a false tax return. While in that position, DiNonno and his co-conspirators used their positions to improperly influence the award of more than \$31 million in subcontracts by Ebasco for graphics and moving services from 1989 through 1994. In exchange, DiNonno and his co-conspirators received over \$2.6 million in kickbacks. In addition to the DoD, Ebasco had numerous contracts and subcontracts with the Department of Energy, the Department of the Army, the Department of the Navy, the National Aeronautics and Space Administration, the Environmental Protection Agency and the U.S. Postal Service. Patuto's position authorized him to issue work orders to vendors to furnish moving services and verify the accuracy of the invoices submitted by those vendors. Patuto formed a front company known as Carpe Diem Marketing Services, Inc., to receive kickbacks from the various vendors who provided moving services on contracts that Ebasco had with the Federal Government. DiNonno formed T&L Marketing Services, Inc. (T&L Marketing), a New Jersey corporation, to receive the majority of the kickbacks. These front companies gave the appearance that the kickbacks were legitimate business transactions

and allowed the companies paying kickbacks to write them off as normal business expenses on their taxes. Patuto and DiNonno received \$177,700 in kickbacks from vendors, of which approximately \$45,000 was related to Government contracts. During 1991, Patuto received \$32,120 in kickbacks that was not reported on his tax return. The New Jersey RA is conducting the investigation with the U.S. Postal Inspection Service and the IRS.



Mail Fraud

Mark R. Trinkley, senior development manager, Connecticut Department of Community and Economic Development, pled guilty to one count of mail fraud and one count of filing a false tax return in connection with an ongoing corruption probe concerning the City of Bridgeport and its administration of city projects, programs, contracts and grants. Between September 1999 and August 2000, Trinkley engaged in a scheme with the intent to be influenced and rewarded in connection with the awarding of State funds for a redevelopment project within the City of Bridgeport. Trinkley accepted landscaping services,

home improvements and other personal benefits worth about \$35,000. During this period, the City of Bridgeport received \$1.5 million in an Economic Adjustment Defense Conversion Initiative Implementation Grant as a result of its loss of Defense-related jobs. The Hartford RA conducted the investigation jointly with the FBI, the IRS and the Department of Transportation (DOT).

Mail Fraud

Anthony M. Macaluso, residing in California, pled guilty in Boston, MA, to mail fraud in connection with his role in the attempted theft of \$1.6 million in gold from a Massachusetts company. In November 2000, Stern-Leach, a precious metal product manufacturer, was contacted by an individual identifying himself as Sergeant Michael Jeffries who claimed to work for the DoD. Jeffries told a Stern-Leach salesman that he wanted to purchase approximately \$1.6 million of gold products. Jeffries then sent Stern-Leach a document purported to be a DoD requisition order. Stern-Leach employees questioned the validity of Jeffries' request and contacted Federal investigators. On December 19, 2000, Macaluso was arrested along with another defendant, Aleksandr Drabkin, while accepting delivery of the gold. Two other individuals, Daniel Patterson and Michael Itae, were also arrested after they

were observed circling the building where the gold was to be delivered. Patterson was identified as "Sergeant Jeffries." Patterson, Drabkin and Itaev have been indicted. The Boston RA conducted the investigation.

False Statement

Phargo Limited Liability Corporation (Phargo), doing business as Buffalo Weaving and Belting Company, Buffalo, NY, entered a plea of guilty to making a false statement on an official writing. A former U.S. Government quality assurance representative reported that Phargo personnel were falsifying tests concerning arrestor tapes. An arrestor tape is the textile belt attached to the cable that catches the tailhook of a fighter jet as it lands on an aircraft carrier. Arrestor tapes are also used to stop aircraft on some land-based runways. An investigation revealed that Phargo falsified test reports concerning the size of the tapes and the strength of key portions of the tapes. The DoD stock of arrestor tapes, determined to have had the relevant testing falsified, was provided to the DoD field elements and discarded before the start of this investigation. A Safety Alert was issued to impacted activities. The exact DoD loss is unknown. The Syracuse RA conducted the investigation.

Mail Fraud

Paul Eugene O'Brien, former owner of Esoteric Testing Laboratory in Indiana entered into a plea agreement in the Western District of Missouri. As part of the agreement, O'Brien pled guilty to one count of mail fraud that resulted in more than a \$1.5 million loss to the Medicare program. Also as part of the plea agreement, the U.S. Attorney's Office, Western District of Missouri, agreed to recommend that the sentence imposed in this investigation run concurrently with any future sentence imposed in the Southern District of Indiana. Using multiple companies in Indiana and Missouri, O'Brien and co-conspirators tested blood samples for allergens and billed Government medical insurance programs, including Medicare and TRICARE. The submitted claims were based on fraudulent pretenses and misrepresentations. The Indianapolis RA conducted the investigation jointly with the Kansas City and Indianapolis offices of the HHS and the FBI.

Sentences

Theft

Barbara J. Brink, Riverdale, MD, pled guilty to a one count State of Maryland complaint charging her with "felony theft scheme." She was immediately sentenced to 30 days incarceration, followed by 3 years of super-

vised probation (unsupervised after completing restitution), and ordered to pay full restitution, a \$500 fine (suspended), and court costs totaling \$55. Brink, a time and attendance clerk with the Defense Security Service (DSS) in Linthicum, MD, embezzled funds from the DoD payroll system from about May 2000 through January 2001. Brink used co-workers' passwords to circumvent the payroll security system and to add \$14,585.48 in overtime hours that she did not work onto her biweekly time and attendance accounting. Brink has since resigned from the DSS. As a condition of her plea, Brink provided a detailed briefing to a DSS official as to how she circumvented the payroll security system. The Baltimore RA conducted the investigation with assistance from the DSS and the DFAS.

Conspiracy

David Jett, Mount Pleasant, NC, a sales representative for Indigo Laser Corporation, a Johnson & Johnson subsidiary, was sentenced to 3 years probation, a \$26,870.04 fine, and ordered to pay a \$100 special assessment and the cost of probation. Jett previously pled guilty to conspiracy in connection with a violation of the prescription drug marketing act (unlicensed wholesaling of prescription drugs). With assistance from Jett, physicians were able to circumvent

federally controlled pricing markets that lowered their acquisition cost of Lupron. Lupron is an oncology pharmaceutical normally prescribed for prostate cancer patients. Those cost savings were not reflected in health care claim submissions for reimbursement to Medicare, TRICARE and private health insurance carriers. Jett received kickback payments for his efforts in the scheme. The Hartford RA conducted the investigation with the FBI, the U.S. Food and Drug Administration, the HHS and the U.S. Postal Inspection Service.



Tax Evasion

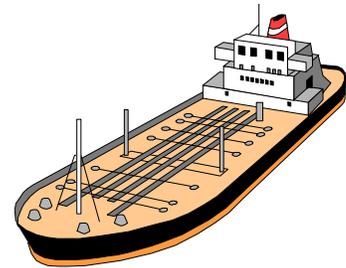
Sammy Dev, owner of Object Foundry, Garden Grove, CA, was sentenced to 12 months imprisonment, 3 years probation, and ordered to pay \$49,661 in restitution. Dev previously pled guilty to one count of violating the Anti-kickback Act and one count of tax evasion in connection with DoD contracts. An investigation disclosed that between 1996 and 1999, Dev made kickback payments totaling \$246,897 to James J. Yekrang, former information systems manager, Allied Sig-

nal, and Fouroozan Tabatabai, a former computer specialist at Allied Signal. In return, Yekrang and Tabatabai provided Dev with preferential treatment on computer software contracts awarded by Allied Signal to Object Foundry. Object Foundry subsequently overcharged Allied Signal on numerous DoD contracts in an effort to recoup illegal kickback payments made to Yekrang and Tabatabai. Yekrang and Tabatabai have been convicted of kickback violations and tax evasion. The Long Beach RA conducted the investigation jointly with the IRS and the NCIS.

Mail Fraud

Maria Elena Fabros, vice president and controller, Great Eastern Shipping, Inc. (GESI), Rahway, NJ, was sentenced to 18 months incarceration and 2 years of supervised release. Fabros previously pled guilty to conspiracy and mail fraud. Anil Rane, GESI's president, and the company were previously sentenced. An investigation identified more than \$5 million in overcharges submitted by GESI to the U.S. Army Military Traffic Management Command (MTMC) for ocean-going transportation costs. This activity occurred during the latter part of 1988 through June 2000. GESI is a nonvessel owning maritime shipping company that was awarded more than 400 contracts by MTMC, legitimately

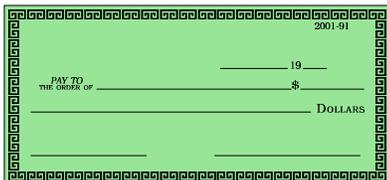
worth about \$2.9 million during the years involved. GESI submitted approximately \$3 million worth of inflated invoices to the 842nd Transportation Battalion, located at Fort Monmouth, NJ. GESI also falsely claimed it was using ships of United States-flag registry. This allowed the company to receive preference in the award of certain MTMC contracts even though its bid was higher than its competitors that were using foreign-flag ships. The New Jersey RA conducted the investigation with the USACIDC.



Wire Fraud

Michael A. Nnaife, president, G-Cat Enterprises, Inc. (G-Cat), Hartford, CT, and Denise Francis, G-Cat's vice president, were sentenced in relation to their respective guilty pleas to wire fraud and misprision of a felony. Nnaife was sentenced to 9 months incarceration, 3 years supervised release and ordered to pay a \$100 special assessment. Francis was sentenced to 3 years probation, 200 hours of community service and ordered to pay a \$100 special assessment. They were also ordered to make

joint restitution of \$938,900.35 to the State of Connecticut. G-Cat manufactures, processes and sells wire and cable products to the DoD, other Government agencies and to commercial customers. Acting on behalf of G-Cat, Nnaife and Francis applied for and received a \$970,000 loan from the State of Connecticut. This loan enabled G-Cat to obtain additional DoD and private sector contracts. The 1993 and 1994 loan disbursements to G-Cat were to be used, in part, to purchase new machinery and equipment in an amount of at least \$450,000. Nnaife and Francis subsequently represented that G-Cat had purchased and installed specific pieces of machinery and equipment. In a number of instances, the machinery or equipment was never ordered or the order was cancelled, the items returned and, in some instances, the equipment was leased. G-Cat defaulted on the loan in 1995 and currently owes the State of Connecticut over \$1 million in principal, interest and late payments. The Hartford RA conducted the investigation with the FBI and with audit support from the DCAA.



Counterfeit Checks

Theodore Lawrence was sentenced in Superior Court, District of Columbia, to a 3-year suspended sentence, 2 years probation, weekly drug testing, a \$100 fine and ordered to pay full restitution of \$5,230. An investigation determined that on three occasions between May 4-11, 2000, Lawrence entered the Bolling Air Force Base Commissary building and executed counterfeit checks totaling \$5,230. The Mid-Atlantic FO conducted the investigation jointly with the FBI and the U.S. Secret Service.



Misprision of a Felony

Yew Leng Fung, Bakersfield, CA, was sentenced to 8 months confinement, 1 year of supervised probation, and ordered to pay a \$100 special assessment. Fung previously pled guilty to misprision of a felony relating to the provisions of the Arms Export Act and the International Emergency Economic Powers Act. In addition, Saeed Homayouni, Bakersfield, CA, was sentenced to 24 months confinement, 36 months supervised probation and ordered to pay a \$100 special assessment. Homayouni previously

pled guilty to conspiracy to violate the Arms Export Control Act and the International Emergency Economic Powers Act. Multicore, LTD, headquartered in London, England, operated a branch in Bakersfield, CA. From these locations, representatives of Multicore, including Fung, Sorosh Homayouni, and Saeed Homayouni, conducted business to purchase parts for the F-4 Phantom, the F-5 Tiger fighter, the F-14 Tomcat, and the Hawk missile system from legitimate vendors in the United States. The parts were usually shipped to Bakersfield, CA, where they remained in private storage units until shipped to Singapore using a fictitious business entity. The parts were then transshipped from Singapore to Iran. The San Diego RA conducted the investigation with the U.S. Customs Service.

Fraudulent Claims

Scott Bennett and David Bennett, Las Vegas, NV, were each sentenced to 37 months incarceration, 3 years supervised release, ordered to pay joint restitution of \$201,568 and a \$100 special assessment. On April 11, 2001, Scott Bennett, David Bennett and Ellen Bennett were convicted of conspiracy to defraud the United States pursuant to a jury trial. Ellen Bennett is scheduled for sentencing next month. The Bennetts along with family members Arthur Gus Bennett

and Amelia Bennett, the wife of Arthur Bennett, submitted fraudulent claims exceeding \$300,000 to obtain Servicemembers Group Life Insurance (SGLI), Department of Veterans Affairs (VA), and Social Security (SS) benefits. These claims were associated with the fraudulent reporting of Arthur Bennett's death that supposedly occurred in a trailer fire at the Lake Mead National Recreation Area, Clark County, NV. Arthur Bennett was an enlisted member of the U.S. Marine Corps. Bennett family members used multiple bank accounts in Nevada, Utah, and Virginia to distribute the SGLI, VA and SS survivor benefits. A SGLI insurance claim citing Arthur Bennett's death resulted in fraudulent SGLI beneficiary payments of \$200,000. Arthur Bennett is now deceased. The Salt Lake City RA conducted the investigation with the FBI, the VA, the Social Security Administration and the NCIS.



Theft

Samuel Wilson, New Orleans, LA, was sentenced to 48 months probation, ordered to pay restitution of \$6,800 and a \$100 special assessment fee. In addition, Wilson is prohibited from working in

security and from working at any Navy facility, specifically, the Space and Naval Warfare Command Information Technology Center, New Orleans, LA. Wilson was a civilian materials handler at the Enlisted Personnel Management Center, Naval Support Activity-East Bank Facility, New Orleans, LA. In February 1998, Wilson stole 15 computer processing units and monitors from a U.S. Navy truck and placed them in his residence in New Orleans, LA. The cost to purchase those computer systems was \$15,390. The New Orleans RA conducted the investigation with the NCIS.

Misprision of a Felony

Eileen B. Aird, Ridgewood, NJ, former president of LifeChem Laboratories, Inc., was sentenced to 1 year probation. Aird previously pled guilty to misprision of a felony with regard to double billing the Medicare program for approximately \$4.9 million. From 1990 through 1996, Aird was the general manager and then president of LifeChem, Inc., a subsidiary of National Medical Care, Inc. (NMC) of Waltham, MA. NMC was the largest provider of services to patients with end stage renal disease in the United States. LifeChem was an independent clinical blood laboratory owned by NMC that specialized in laboratory tests for patients with end stage renal disease. From July 1992 through Au-

gust 1995, Aird concealed and failed to report that LifeChem was submitting duplicate claims for payment for laboratory blood tests to Medicare between February 1991 and June 1992. The claims were accompanied by the false representation that the tests were lawfully payable as non-routine blood tests when, to the contrary, Medicare had already paid for the tests as routine blood tests for dialysis patients. LifeChem previously agreed to a global criminal and civil settlement totaling \$148,840,000. Single damages returned to TRICARE were \$13,796. The Boston RA conducted the investigation with the FBI and the HHS.

Civil Settlements

Healthcare Fraud

A \$280,226 civil settlement agreement was reached between the Emergency Medical Services System (EMSS), State of Hawaii Department of Health, and the U.S. Government. An investigation disclosed that EMSS, a Medicare, Medicaid, and TRICARE provider, submitted "upcoded" claims to the U.S. Government, or claims that represented a higher level of service than that provided. The EMSS provided ambulance transportation of patients via advanced life support (ALS) ambulance service. A review of EMSS claims data revealed EMSS

was submitting claims for the highest level of reimbursement for the ALS transports although the actual level of service provided did not support the claim. It was further determined that EMSS' billing contractor had placed a default in claims software to bill at the highest level regardless of the actual level of service provided, allegedly at the request of EMSS. The default was in place from 1996 through 2000. The loss to the U.S. Government was determined to be \$140,113. The Hawaii POD conducted the investigation with the FBI.

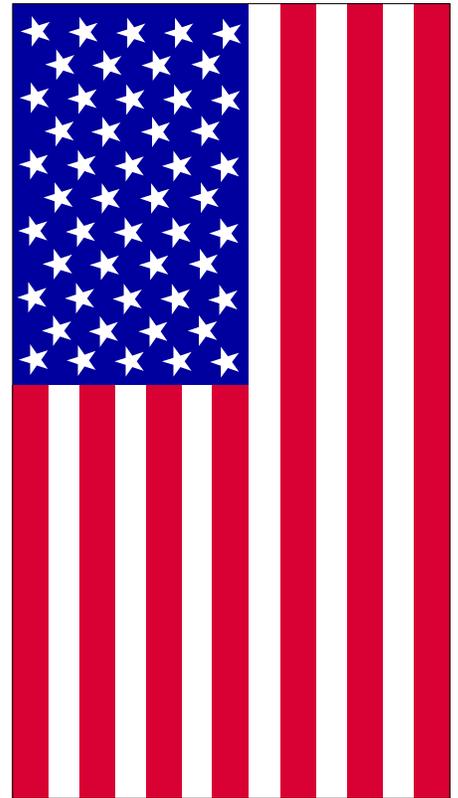
Misuse of Grant Funds

An \$812,494 precomplaint settlement agreement was reached with the University of Minnesota concerning allegations of mismanaged Federal research grant funds. Allegations centered on Federal research grant funds managed by Dr. Dennis L. Polla, a member of the University's faculty. The Government alleged that Polla misapplied certain Federal research grant funds when paid research assistants were working on other matters not related to the Federal grants. It was also alleged that Polla billed machine time in the University's laboratory to the Federal research grants when the machine time related to other matters. This agreement will release the University from any and all civil or administrative claims arising from these allegations. The

Minneapolis POD conducted the investigation with the FBI, the Office of Naval Research and the National Science Foundation, in addition to extensive audit assistance from the DCAA.

False Statements

A \$1 million civil settlement was reached with Electromechanical Systems, Inc. (EMS), Largo, FL. The investigation was based on a *qui tam* civil suit where the complainants alleged that EMS, a DoD contractor, had made false statements and filed false claims for the purpose of defrauding the DoD. EMS was awarded a series of Navy contracts (Basic Ordering Agreements (BOA)) for the refurbishment of the AN/SPS-49 radar pedestals used aboard Navy vessels. The investigation disclosed that EMS inflated the costs to refurbish the pedestals by mischarging employee labor hours from commercial and other Government contracts to the BOA work orders. The EMS further directed its employees to conceal the mischarging from Government auditors. The Orlando RA conducted the investigation with the FBI and the NCIS, with audit assistance from the DCAA.



United



To report suspected criminal activity involving the Department of Defense please contact the nearest Defense Criminal Investigative Service office.

Phoenix, AZ
Comm: (602) 277-7253/4
Telefax: (602) 277-9890
E-Mail: 30px@dodig.osd.mil

Long Beach, CA
Comm: (562) 980-4242
Telefax: (562) 980-4249
E-Mail: 50es@dodig.osd.mil

Mission Viejo, CA
Comm: (949) 643-4441
Telefax: (714) 643-4769
E-Mail: 50la@dodig.osd.mil

Sacramento, CA
Comm: (916) 489-1254
Telefax: (916) 489-1462
E-Mail: 50sm@dodig.osd.mil

San Diego, CA
Comm: (619) 569-1497/98
Telefax: (619) 569-6401
E-Mail: 50sd@dodig.osd.mil

San Francisco, CA
Comm: (510) 637-2965
Telefax: (510) 637-2972
E-Mail: 50sf@dodig.osd.mil

Van Nuys, CA
Comm: (818) 781-2575/3068
Telefax: (818) 781-3277
E-Mail: 50vn@dodig.osd.mil

Denver, CO
Comm: (303) 799-8182
Telefax: (303) 799-8615
E-Mail: 30da@dodig.osd.mil

Hartford, CT
Comm: (860) 721-7751
Telefax: (860) 721-6327
E-Mail: 10hf@dodig.osd.mil

Ft. Lauderdale, FL
Comm:(954) 202-9167
Telefax:(954) 202-9217
E-Mail: 20fl@dodig.osd.mil

Jacksonville, FL
Comm:: (904) 855-0991
Telefax: (904) 855-4078
E-Mail: 20jx@dodig.osd.mil

Orlando, FL
Comm: (407) 895-2622
Telefax: (407) 895-2620
E-Mail: 20or@dodig.osd.mil

Pensacola, FL
Comm: (850) 651-6377
Telefax: (850) 651-6962
E-Mail: 20pc@dodig.osd.mil

Atlanta, GA
Comm: (770) 916-9920/9926
Telefax: (770) 916-9937
E-Mail: 20at@dodig.osd.mil

Honolulu, HI
Comm: (808) 541-2590
Telefax: (808) 541-3609
E-Mail: 50hi@dodig.osd.mil

Chicago, IL
Voice: (847) 827-9480
Telefax: (847) 827-3724
E-Mail: 40ch@dodig.osd.mil

Indianapolis, IN
Voice: (317) 542-4009
Fax: (317) 542-4012
E-Mail: 40in@dodig.osd.mil

Kansas City, KS
Voice: (913) 551-1350
Telefax: (913) 551-1362
E-Mail: 40kc@dodig.osd.mil

Wichita, KS
Voice: (316) 682-1991
Telefax: (316) 682-1609
E-Mail: 40wc@dodig.osd.mil

New Orleans, LA
Comm: (504) 641-0691
Telefax: (504) 641-0838
E-Mail: 20no@dodig.osd.mil

Boston, MA
Comm: (617) 753-3044
Telefax: (617) 753-4284
E-Mail: 10bn@dodig.osd.mil

Chapel Hill, NC
Comm: (919) 929-4744/4746
Telefax: (919) 967-4325
E-Mail: 20rl@dodig.osd.mil

Baltimore, MD
Comm: (410) 529-9054
Telefax: (410) 529-9052
E-Mail: 60bt@dodig.osd.mil

St. Paul, MN
Voice: (651) 222-0212
Telefax: (651) 222-8316
E-Mail: 40mn@dodig.osd.mil

St. Louis, MO
Voice: (314) 539-2172
Telefax: (314) 539-2967
E-Mail: 40sl@dodig.osd.mil

Edison, NJ
Comm: (732) 819-8455
Telefax: (732) 819-9430
E-Mail: 10sp@dodig.osd.mil

Albuquerque, NM 87109
Comm: (505)342-4800
Telefax: (505)342-4814
E-Mail: 30aq@dodig.osd.mil

New York, NY
Comm: (516) 420-4302 /4307
Telefax: (516) 420-4316
E-Mail: 10ny@dodig.osd.mil

Syracuse, NY
Comm: (315) 423-5019
Telefax: (315) 423-5099
E-Mail: 10sy@dodig.osd.mil

Cleveland, OH
Voice: (216) 522-2296/7
Telefax: (216) 522-7196
E-Mail: 40cl@dodig.osd.mil

Columbus, OH
Voice: (614) 692-3629/3855
Telefax: (614) 231-8905
E-Mail: 40co@dodig.osd.mil

Dayton, OH
Voice: (937) 534-0100
Telefax: (937) 534-0117
E-Mail: 40dy@dodig.osd.mil

Tulsa, OK
Comm: (918) 581-6485
Telefax: (918) 581-6489
E-Mail: 30tl@dodig.osd.mil

Philadelphia, PA
Comm: (610) 595-1900
Telefax: (610) 595-1934
E-Mail: 10pa@dodig.osd.mil

Pittsburgh, PA
Comm: (412) 395-6931/6879
Telefax: (412) 395-4557
E-Mail: 10pb@dodig.osd.mil

Sioux Falls, SD
Voice: (605) 330-4211
Telefax: (605) 330-4212
E-Mail: 40sx@dodig.osd.mil

Nashville, TN
Comm: (615) 736-2930
Telefax: (615) 736-2939
E-Mail: 20nv@dodig.osd.mil

Dallas, TX
Comm: (817) 543-4350
Telefax: (817) 543-4365
E-Mail: 30da@dodig.osd.mil

Houston, TX
Comm: (713) 227-7263
Telefax: (713) 236-8487
E-Mail: 30hs@dodig.osd.mil

San Antonio, TX
Comm: (210) 366-1037
Telefax: (210) 366-4031
E-Mail: 30sa@dodig.osd.mil

Salt Lake City, UT
Comm: (801) 625-5703
Telefax: (801) 625-5711
E-Mail: 30og@dodig.osd.mil

Seattle, WA
Comm: (206) 553-0700
Telefax: (206) 553-0057
E-Mail: 30da@dodig.osd.mil

Arlington, VA
Comm: (703) 604-8439/40
Telefax: (703) 604-8442
E-Mail: 60dc@dodig.osd.mil

Norfolk, VA
Comm: (757) 441-3412
Telefax: (757) 626-1891
E-Mail: 60nf@dodig.osd.mil

Richmond, VA
Comm: (804) 748-2055
Telefax: (804) 748-5327
E-Mail: 60rm@dodig.osd.mil

Milwaukee, WI
Voice: (414) 297-1810
Telefax: (414) 297-1817
E-Mail: 40ml@dodig.osd.mil

Wiesbaden, Germany
Comm: 011-49-611-3807526
Telefax: 011-49-611-3807421
DSN: 338-7526
Fax: 338-7421

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Department of Defense Hotline at
Defense Hotline
The Pentagon
Washington, DC 20301-1900
Voice: (800) 424-9098
Voice: (703) 604-8546
E-Mail: hotline@dodig.osd.mil*

