

Crime Awareness Newsletter

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Indictments

Health Care Fraud

On February 25, 2002, an indictment was unsealed in Clarksburg, WV, charging chiropractors Robert B. Burns, Jr., William C. Filcheck, Scott G. Taylor and Ronald L. Halstead with offenses related to a health care fraud scheme. Burns, licensed to practice in West Virginia and Pennsylvania, was indicted on 1 count of conspiracy to commit health care fraud and mail fraud, 14 counts of health care fraud, 1 count of conspiracy to commit money laundering and 13 counts of money laundering. Filcheck and Taylor, licensed to practice in West Virginia, were each indicted on 1 count of

conspiracy to commit health care fraud and mail fraud, and 14 counts of health care fraud. Halstead was indicted on 1 count of conspiracy to commit health care fraud and mail fraud, 14 counts of health care fraud and 1 count of conspiracy to commit money laundering. Between 1985 and 1996, Burns owned and operated Mountaineer Chiropractic Center (Mountaineer) in Morgantown, WV. Burns formed Priority One Medical Associates (Priority One) and West Virginia Health Care Management (Health Care Management) in 1994. Priority One was formed as a professional medical corporation, which can only be owned by a licensed medical doctor. The stock of Priority One was fraudulently held in the name of various doctors who were hired by Burns to work at Priority One. Filcheck, who was hired by Burns in 1994, worked for Mountaineer until 1996 and for Priority One from 1995 until 1998. Taylor, who was hired by Burns in 1991, worked for Mountaineer

until 1996 and for Priority One from 1995 until 1998. Halstead, a nonpracticing trained chiropractor, owned and operated a company that provided management consulting services to chiropractors through seminars and personal in-office visits. An investigation disclosed that the defendants allegedly devised a scheme to knowingly defraud Federal health care benefits programs by billing, or causing to be billed, for tests, treatments and other services supposedly being provided by medical doctors that actually were being provided by chiropractors. Those billings amounted to more than \$2.8 million. The investigation further disclosed that Burns and Halstead allegedly created real property and equipment leases, and a management agreement between Priority One and Health Care Management to conceal the true ownership and control of Priority One. Burns and Halstead also caused the proceeds of the scheme to be placed into their personal or company accounts. The Pittsburgh Post of Duty (POD), conducted the investigation jointly with the Federal Bureau of Investigation (FBI), the Internal Revenue Service (IRS) and the West Virginia State Police.

Child Pornography

On February 13, 2002, Richard Jay Cogley was arrested in Denver, CO, based on a criminal complaint that alleged he knowingly received computer graphic image files containing child pornography. Cogley was the unit administrator and a civilian employee with the U.S. Army Reserve. Cogley's computer containing the child pornography was located and seized from the U.S. Army Reserve Detachment 1, 271st Ordinance Company, Bartlesville, OK. This unit falls under the 90th Regional Support Command, North Little Rock, AR, and is responsible for providing base operations support to all U.S. Army Reserve units within the five States of Arkansas, Louisiana, New Mexico, Oklahoma and Texas. The Tulsa Resident Agency (RA) is conducting the investigation.

Health Care Fraud

On February 1, 2002, Francy K. Thomson, a social worker who provided psychiatric services through the DoD TRICARE Management Activity (TMA), pled guilty to making a false claim to the U.S. Government. An investigation determined that Thomson, while a contracted Overseas Partnership Program provider with the TMA at the U.S. Army Health Clinic, Camp Ederle, Vicenza, Italy, submitted false claims totaling \$4,650 for patient care she did not actually provide to

the TMA. The European POD conducted the investigation.



Firearms Violation

On February 4, 2002, Bryant L. Williams pled guilty to one count of receiving a stolen firearm in interstate commerce. An investigation determined that Williams had received a handgun that was stolen from the U.S. Navy Sewells Point Armory, Norfolk, VA, in March 1999. Williams is one of many subjects of a joint Organized Crime Drug Enforcement Task Force, investigating multiple crimes, including the theft of DoD weapons. The Chapel Hill RA conducted the investigation with the Bureau of Alcohol, Tobacco and Firearms (BATF), the FBI, the Naval Criminal Investigative Service (NCIS) and the Police Department, Raleigh, NC.

Tax Scheme

On February 4, 2002, William S. Lewis, M.D., pled guilty in U.S. District Court, Bridgeport, CT, to fraud and false statements relating to the filing of corporate and personal tax returns. Lewis devised a scheme to divert check payments received from attorneys, workers compensation, insurance, and others made payable to his medical practice. The

scheme allowed Lewis to evade payment of \$795,976 on personal and corporate income tax returns between the years 1993 to 1996. The investigation is the result of a 3-year undercover operation, code named "Operation Overdraw." Overdraw established an undercover medical business that dealt with dozens of health care related companies in Connecticut, New York and New Jersey suspected of engaging in fraudulent activities associated with Medicare, Medicaid, TRICARE and private insurance companies. The Hartford RA conducted the investigation with the FBI, the IRS, the U.S. Postal Inspection Service and the Department of Health and Human Services, in conjunction with the Connecticut Health Care Task Force.

Mail Fraud

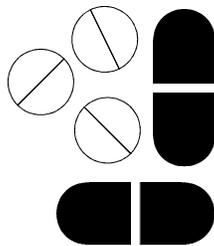
On February 11, 2002, Heinz Laumann, former president, Laumann Manufacturing Corporation (Laumann Manufacturing), Ronkonkoma, NY, pled guilty to mail fraud. A guilty plea was also entered on behalf of Laumann Manufacturing. An investigation disclosed that Laumann falsely certified that aircraft components had passed dimensional inspection requirements when, in fact, such products were not inspected or had failed inspection and were sold. Laumann Manufacturing produces various aircraft components for the DoD and the commercial air-

craft industry, including critical products for the F-14, F-15, and F-16 fighter aircraft. The Northeast Field Office (FO), conducted the investigation with the NCIS and the FBI.

Firearms Violation

On February 13, 2002, Robert D. Merrill, Long Branch, NJ, was found guilty by a jury trial, in Martinsburg, WV, of violating the Federal Firearms Act and fraudulently using a Social Security Number. Merrill, using the alias Richard Harris, fraudulently received a West Virginia driver's license in April 1999. In October 2000, Merrill used that license as identification to purchase a semiautomatic handgun from a West Virginia gun dealer. This investigation was initiated shortly after the Millennium New Year's holiday when a series of faxes threatening terrorist attacks on Fort Monmouth, NJ, were received. These fictitious faxes were allegedly sent to Fort Monmouth from the Defense Criminal Investigative Service (DCIS). The scope of this investigation was expanded after a group of threatening faxes was sent to a Monmouth County municipal court judge and a number of local police officers. In December 2000, Long Branch Police, supported by a host of State, local and Federal agencies, executed a search warrant at Merrill's residence. The weapons illegally purchased in West Virginia were

seized during that search. Merrill still faces State charges of terroristic threats, criminal coercion, and retaliation for a past official action. The New Jersey RA conducted the investigation with the BATF, the New Jersey State Police, the Monmouth County Prosecutor's Office, the Tinton Falls Police Department, and the Long Branch Police Department.



Drug Violations

On February 19, 2002, James F. Graves, Jr., M.D., Pace, FL, was convicted on four counts of manslaughter, five counts of drug trafficking and one count of racketeering. Graves advertised as a pain management specialist and became known to pharmacists for prescribing a potentially lethal mix of medicines they dubbed a "Graves Cocktail," which included OxyContin, Lortab, Soma and Xanax. He was charged in connection with the deaths of five patients who had overdosed on drugs such as the OxyContin he prescribed. Graves is among the first physicians in the country to be tried on charges that his OxyContin prescriptions resulted in death, although oth-

ers are awaiting trial. Evidence presented during Graves' 6-week trial included information from TRICARE, Medicaid and private insurance representatives concerning claims for services provided by Graves in comparison to the claims for prescriptions he issued. The Pensacola POD conducted the investigation with the Drug Enforcement Administration, the Florida Department of Law Enforcement, the Florida Office of Attorney General, Santa Rosa County Sheriff's Office, Medicaid Fraud Control Unit and the Florida Department of Insurance.

Environmental Crimes

On February 19, 2002, Cargill Pork, Inc., Minneapolis, MN, pled guilty to a misdemeanor violation of the Clean Water Act. Cargill Pork immediately agreed to pay a \$1 million fine and \$51,000 in restitution. An investigation disclosed that in July 2000, Cargill Pork illegally discharged hog waste from a 17,000-pig farming operation in Martinsburg, MO, into the Loutre River, a Missouri River tributary. The discharge, which was not reported, resulted in the loss of over 53,000 fish. In addition, an indictment was unsealed

against Duane Connor, former farm manager with Cargill Pork, charging him with two counts of violating the Clean Water Act and one count of making a false statement. The Central FO is conducting the investigation with the Environmental Protection Agency (EPA) and the State of Missouri Department of Natural Resources, in conjunction with the Environmental Task Force for the Eastern District of Missouri.

Bribes

On February 22, 2002, Juan Salazar pled guilty to one count of supplementing the income of a Federal employee. Salazar, a retired veteran with commissary privileges, paid Calvin Warner, Mitchel Field Store Director, Defense Commissary Agency, approximately \$9,000 in bribes. Salazar paid Warner to facilitate the sale of approximately \$750,000 in batteries (Duracell) from December 1996 to November 1997. Salazar resold the batteries to a distributor, Emcee Distribution, behind the commissary store in the presence of Warner. Salazar made approximately \$20,000 from the illegal sale of the batteries and paid Warner approximately \$9,000 in bribes from the proceeds. The New York RA conducted the investigation.

Sentences

Firearms Violation

On February 5, 2002, Tobias Deatruck, Fountain, MI, was sentenced to 13 months incarceration and ordered to pay a \$60 victim fee and a \$60 DNA testing fee. Deatruck previously pled guilty to receiving and concealing a stolen firearm. In October 2001, the Michigan State Police (MSP) seized an expended missile launcher during the search of a private residence. An investigation disclosed that Deatruck was in possession of the reloadable missile launcher. It is illegal for individuals to possess this type of DoD property. This sentence will run concurrently with the 26-month sentence of incarceration Deatruck is currently serving in connection with unrelated drug charges. The Chicago POD conducted the investigation with the FBI and the MSP, Hart, MI.



Kickbacks

On February 5, 2002, James J. Yekrang, former information systems manager for Allied Signal, Torrance, CA, was sentenced to 24 months confinement and

to pay a \$30,000 fine as a result of his conviction for receiving kickbacks and for tax evasion.

Between 1996 and 1999, Sammy Dev, owner of Object Foundry, Garden Grove, CA, paid kickbacks totaling \$246,897 to Yekrang and another Allied Signal employee, Fouroozan Tabatabai. In return for the kickbacks, 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 computer software contracts that affected numerous DoD contracts awarded to Allied Signal. Dev and Tabatabai were convicted in this kickback scheme. The Long Beach RA conducted this investigation jointly with the NCIS and the IRS.

Mail Fraud

On February 6, 2002, John Sutton, former vice president of marketing for Boliden Metech, Mapleville, RI, was sentenced to 21 months incarceration, 3 years supervised release, a \$60,000 fine, and to pay restitution of \$799,950 and a \$100 special assessment. Sutton previously pled guilty to conspiring to commit mail fraud while participating in various schemes that resulted in the theft of precious metals from Metech International, a DoD contractor, and its customers. The theft and diversion of the

metals generated cash that was used to pay kickbacks to a DoD contractor employee in return for favorable settlements relative to the processing of precious metal scrap. The conducted the investigation with the NCIS.

Conspiracy to Defraud

On February 8, 2002, Russell D. Ward, El Cajon, CA, was sentenced to 18 months incarceration, 2 years of supervised release, and to pay a \$100 special assessment fee. Ward previously pled guilty to one count of conspiracy to defraud the United States and the IRS. From February 1994 through January 1999, Ward conspired with Rick A. Shacket, doctor of osteopathy, to obstruct the IRS in ascertaining and collecting Shacket's individual and corporate income taxes exceeding approximately \$250,000. In August 2001, an indictment was returned against Shacket charging him with tax fraud and health care fraud crimes. Shacket allegedly conspired with Ward, his former attorney, to defraud the United States and the IRS by impeding the collection of his Federal personal and corporate income taxes, submitted false medical bills to the TMA and committed mail fraud. Shacket's trial is scheduled for July 2002. The San Diego RA conducted the investigation with the IRS.

Environmental Crimes

On February 12, 2002, Mark Allen Stoffer was sentenced to 4 months home detention, 3 years supervised probation, ordered to pay a \$500 fine and a \$100 special assessment fee. Stoffer previously pled guilty to making a false statement and falsifying wastewater Discharge Monitoring Reports (DMRs) to the California Regional Water Quality Control Board (RWQCB), San Diego, CA. Stoffer was the wastewater treatment plant supervisor at Camp Pendleton Marine Corps Base, San Diego County, CA. There are nine wastewater treatment plants on Camp Pendleton that process the daily wastewater generated from 30,000 plus military and civilian personnel living and/or working there. The wastewater is then discharged into waterways leading to the Pacific Ocean. An anonymous allegation led to the investigation that determined Stoffer had directed the 25 wastewater treatment operators to report falsified test data showing that Camp Pendleton complied with its National Pollutant Discharge Elimination System (NPDES) permit levels. Publicly owned treatment works and municipal wastes are subject to NPDES to permit direct discharges into navigable waters. The EPA also requires publicly owned treatment works to develop a pretreatment program if they discharge more than 5 million

gallons of wastewater per day. The investigation determined that the Camp Pendleton wastewater treatment plants were violating their residual chlorine permitted discharge levels. However, the DMRs Stoffer submitted to the RWQCB indicated that Camp Pendleton was complying with its NPDES permit levels. The San Diego RA conducted the investigation jointly with the FBI, the NCIS and the EPA.



Conspiracy

On February 22, 2002, Chutchai Gary Khanijao, owner and president of KKP Corporation (KKP), was sentenced to 3 years probation (the first 6 months to be home confinement with electronic monitoring), restitution of \$350,000, and a \$25,000 fine. The KKP, Nashua, NH, was also sentenced to 2 years probation and restitution of \$3,745,302, with no fine imposed. Khanijao and KKP previously pled guilty to conspiring to defraud the United States, mail fraud, conspiring to obstruct justice, and aiding and abetting. Khanijao and KKP cooperated in the investigation, which resulted in the subsequent guilty pleas by co-defendants Paul Arguin, Vic-

tor Garber, Greenleaf Technology Associates, Inc., and Merrimac Systems Corporation. KKP, a certified small disadvantaged business, had technical and labor service contracts with the General Services Administration (GSA) for the U.S. Air Force. KKP also provided computer hardware to the Air Force through its GSA contracts. The ECCS, a New Jersey corporation, supplied computer-related equipment to KKP on GSA contracts. Khanijao, Arguin and Garber received and distributed kickbacks from ECCS beginning sometime prior to June 1997 and continuing through February 2000. Arguin directed and facilitated the purchase of over 1,000 computer storage devices from KKP by the Air Force through GSA contracts. At the direction of Arguin, ECCS added \$500 to the cost of each storage device it sold to KKP. Khanijao and KKP then issued invoices to ECCS for \$500 per computer storage device sold to the Air Force that specified fictitious services that were never provided. Khanijao and KKP also diverted between \$5 million and \$10 million in unlawful profits from KKP's computer memory sales to the Air Force through contracts KKP had with GSA. The Boston RA conducted the investigation with the GSA, the FBI, the IRS and the Air Force Office of Special Investigations (AFOSI).



Bank Fraud

On February 25, 2002, Michael D. Emerson pled guilty to two counts of State charges for bank fraud. On the same date, Emerson was sentenced to 3 years at hard labor on each count, to run concurrently. An investigation targeted suspected "phantom employees" of Future-Tec Management Systems, Inc. (FTMS), under a U.S. Navy contract at the Space and Naval Warfare Command Information Technology Center, New Orleans, LA. During 1999, Emerson was employed with FTMS as a security guard under the false identity of John Quinton Quave, SSN 434-87-4270. To facilitate receipt of his direct deposit pay from FTMS, Emerson opened a checking account with Metairie Bank and Trust Company, Metairie, LA, using the false identity of John Quinton Quave. Emerson also opened an account with Metro Bank, Kenner, LA, using the false identity of Jacob Quave. The New Orleans RA conducted the investigation with the Social Security Administration and the NCIS.

Anti-Kickback Act

On February 26, 2002, John W. Harbison, Covington, LA, was sentenced to 6 months home detention, 2 years probation, ordered to pay a \$5,000 fine and a \$200 special assessment fee. In addition, Harbison was ordered to pay \$30,750 restitution to the U.S. Navy Military Sealift Command (MSC), with \$10,000 due immediately. Harbison previously pled guilty to violating the Anti-Kickback Act of 1986. Harbison owned Marine Industrial and Mechanical Contractors, Inc. (MIMC), Covington, LA. The MIMC performed as a subcontractor to Bay Ship Management, Inc. (Bay Ship), Englewood Cliffs, NJ, a U.S. Government prime contractor. To obtain favorable treatment in the awarding of subcontracts for repair work aboard U.S. naval ships, Harbison provided a kickback to a former Bay Ship employee. This sentencing is a result of a 3 1/2-year investigation into corruption within the maritime industry, specifically, Bay Ship. Bay Ship had multiple contracts, valued in excess of \$200 million, with the MSC to provide management, personnel, operational and technical support to operate and maintain several MSC ships. The primary mission of the MSC is to provide sea transportation of equipment, supplies and ammunition to sustain the U.S. military forces during peacetime and war. The New Orleans RA con-

ducted the investigation with the FBI and the NCIS.

Conspiracy

On February 28, 2002, Dennis Eugene Mitsakos was sentenced to 4 months home confinement, 2 years probation, ordered to serve 50 hours of community service and to pay a \$100 special assessment fee. Mitsakos previously pled guilty to one count of conspiracy. Mitsakos was employed as a purchasing agent for Tobyhanna Army Depot, Tobyhanna, PA. He and Gary Melvin Whitney, a salesman for a supplier of industrial parts to Tobyhanna Army Depot, devised a scheme to steal Government property. Mitsakos purchased large quantities of maintenance parts for inventory through Whitney. When Whitney delivered the orders and stocked the depot shelves with overflow items, Mitsakos allowed Whitney to steal items valued at about \$18,000. Whitney intended to sell the stolen items to his other customers and share the proceeds with Mitsakos. Whitney was sentenced in January 2002. The Northeast FO conducted the investigation jointly with the FBI and the U.S. Army Criminal Investigation Command (USACIDC).

Civil Settlements

False statement

On February 7, 2002, Brown and Root Services

Corporation (BRSC), Houston, TX, agreed to pay \$2 million in damages to the U.S. Government to resolve allegations of fraud, false claims and false statements. A former BRSC employee filed a *qui tam* lawsuit alleging BRSC engaged in intentional false statements and misrepresentations to the U.S. Army Corps of Engineers during negotiations for individual delivery orders issued under a job order contract (JOC) for the former Fort Ord, CA, military installation. Over 200 individual delivery orders were issued under the Fort Ord JOC, valued in excess of \$18.4 million. The alleged conduct resulted in the overvaluation of the cost of material and construction methods provided by the BRSC. The former employee alleged that BRSC project general managers directed BRSC construction cost estimators to inflate the quantity and quality of higher cost materials and then present the inflated value of those materials during negotiations. The *qui tam* relater will receive an undisclosed amount of the collected damages. The Sacramento POD conducted the investigation.

False Claims Act

On February 11, 2002, Exxon Mobile Chemical Company (Exxon) and ComAlloy International Corporation (ComAlloy) agreed to pay the United States the sum of \$200,000 to settle allegations

of violating the False Claims Act. An investigation was initiated when Exxon notified the OIG, DoD, that the then recently-acquired ComAlloy failed to comply with Government testing requirements in the delivery of ComAlloy's plastic compound products to Government contractors. The products are used in such items as the fuse for the 105mm artillery round. The OIG, DoD, accepted Exxon and ComAlloy into the Voluntary Disclosure program. The Nashville POD conducted the investigation with the USACIDC and the AFOSI.

Qui Tam

On February 28, 2002, Regional Medical Center of Orangeburg and Calhoun Counties (Orangeburg), Orangeburg, SC, entered into an agreement with the U.S. Department of Justice to settle allegations set forth in a *qui tam* complaint. Under terms of the agreement Orangeburg will pay the United States \$284,500. An investigation determined that Orangeburg submitted, or caused to be submitted, claims for payment to the Medicare Program and the TRICARE Program in which the principal diagnosis was not supported by the corresponding medical records. The Nashville POD conducted the investigation.



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