

Fraud Awareness Newsletter

Volume 97-02

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



tracting officer. A sentencing date has not been specified. Special Agent Duane Bradley, Sacramento Post of Duty (POD), conducted the investigation in conjunction with the Defense Logistics Agency Criminal Investigations Activity, Stockton, CA.

Kickbacks

James L. Martin pled guilty to paying kickbacks to a senior tool engineer at Rockwell International Corporation (Rockwell), Duluth, GA, in relation to a DoD contract. Martin, the chief executive officer for Rainbow Tool and Machine Company (Rainbow), Gadsden, AL, paid at least \$2,100 to a Rockwell engineer. The Rockwell engineer was instrumental in directing purchase orders to and coordinating the procurement approvals and funding for orders awarded to Rainbow, a Rockwell subcontractor. The DoD contract was for the production of Hellfire missiles. Special Agent Roger Holland, Southeast Field Office (FO), conducted the investigation.

Donated Property

Carl Lange and Timothy L. Long pled guilty to petit larceny and criminal possession of stolen property. Lange and Long conspired with David E. Anderson, principal of the Board of Cooperative Education Services (BOCES), Dix Hills, NY, to pur-

This newsletter is intended to enhance your awareness of fraud involving the Department of Defense (DoD) and what is being done about it. By being better informed you will be better able to help us combat these illegal activities. These articles are based on press releases and public information.

patients. Special Agent Anthony Burnell, New Orleans Resident Agency (RA), is conducting the investigation with the Federal Bureau of Investigation (FBI) and the Office of Personnel Management, with auditing assistance from the Defense Contract Audit Agency (DCAA).

Labor Mischarging

An information was filed against Briggs O. Ogamba, president and owner of Applied Remediation Company, San Jose, CA. He was charged with knowingly and fraudulently demanding a share in the public stocks of the United States (false claims). In accordance with a plea agreement, Ogamba pled guilty and agreed to make restitution of \$40,000 to the Government. Under a Department of Defense (DoD) contract (valued in excess of \$300,000), Ogamba mischarged labor hours. The scheme included inflating invoices by increasing the number of hours it took to perform specific remedial maintenance jobs, in addition to adding travel time to and from the work site on the invoice amount after being told not to do so by the DoD con-

Prosecutions

Health Care Insurance

An information was filed against Carl R. Hale, a psychiatrist and licensed professional counselor in Gulfport, MS, charging him with 10 counts of false claims. An investigation determined that Hale allegedly defrauded the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) by billing for psychotherapy services he did not render. During a 2-year span, Hale allegedly carried on romantic relationships with two of his patients and billed CHAMPUS for psychotherapy sessions when he met with them. Hale also billed for a third patient who was the mother of one of the other two

chase items stolen from BOCES, a vocational school that receives Federal, state and privately donated property. The items purchased included automobiles, automotive parts, tools and outboard motors. The federally donated property was acquired through the New York State Office of General Services, Federal Property Assistance Program. Some of the items previously belonged to the DoD. Special Agent Stephanie Jimroglou, New York RA, conducted the investigation jointly with the Internal Revenue Service (IRS), the General Services Administration (GSA) and the Suffolk County District Attorney's Office.



Timecards

A one count information was filed against James Robert Rohlf, Northridge, CA, charging him with making a false statement to the Government. In lieu of criminal prosecution for false statements he submitted on time sheets, Rohlf pled guilty to making a false statement relating to a Small Business Administration (SBA) disaster loan and agreed to pay restitution of \$19,116.52 to the DoD for the

timecard fraud. An investigation was initiated after an explosion at the Rocketdyne Division (Rocketdyne), Canoga Park, CA, of Rockwell in which two Rocketdyne employees were killed. Rohlf was interviewed during the investigation of the Top 100 DoD contractor and evidence was obtained that he committed timecard fraud while employed by Rocketdyne, as well as made false statements to the SBA in relation to a disaster loan. Rockwell was subsequently convicted of illegal storage and disposal of hazardous waste. Special Agent Stephen Johanson, Van Nuys RA, conducted the investigation with the FBI, the Air Force Office of Special Investigations (AFOSI) and the National Aeronautics and Space Administration.

Health Care Insurance

Dr. Wayne R. Clayman pled guilty to one count of money laundering. Clayman, a podiatrist with offices in Columbus and Newark, OH, systematically upcoded bills submitted to health care programs for tenotomy and capsulotomy (T&C) surgical procedures, when a lesser procedure was actually performed. The health care programs included CHAMPUS. Clayman received substantially more money through upcoding and those funds were transferred from business to personal accounts. During the investigation, magnetic resonance imaging (MRI) scans were conducted on several patients to confirm the T&C surgery had not been performed. As part of a plea

agreement, Clayman will assist the Government in other investigations and will participate with investigators in fraud awareness presentations to audiences, including his peer group and students who will become licensed podiatrists. Special Agent Jay Strauch, Columbus RA, conducted the investigation with the FBI, the IRS, the Department of Health and Human Services, the U.S. Postal Inspection Service, and the State of Ohio Medicaid Fraud Unit.

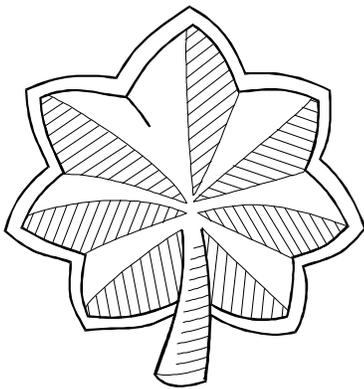
Health Care Insurance

Charles Crump and Greta Braun, doing business as Reliable Medical Services, Westminster, CO, each pled guilty to one count of mail fraud. Under the name Reliable Medical Services, Braun and Crump submitted approximately \$45,000 in false CHAMPUS and private insurance claims for durable medical equipment that was never delivered. They used beneficiary information taken from their former employer, Major Medical Health Services, Westminster, CO, to complete the claim forms that were submitted along with medical necessity forms to CHAMPUS and the private insurers. Special Agent Janet Mandryk, Denver RA, conducted the investigation jointly with the FBI.

Impersonation

David L. A. Williams pled guilty to one count of impersonation. Shortly after Trans World Airlines Flight 800 crashed, rescue and recovery operations began. Williams, impersonating a lieutenant colonel in the U.S.

Army, offered his services and the services of his unit, described as an "air rescue unit," to East Moriches Fire Chief Evan Goldstein. Relying on his authentic looking military flight suit and identification card, Coast Guard officials designated Williams as the director of Air Traffic Control. For 2 1/2 days Williams directed helicopter traffic in and out of the extremely small landing area at the Coast Guard Command Center, East Moriches, LI, NY, before he was escorted off the base. Williams has never been a Service member. Special Agent Silvano Falco, New York RA, conducted the investigation with the FBI, assisted by the Office of Investigations, U.S. Coast Guard, the AFOSI and the New York State Deputy Attorney General for Medicaid Fraud Control.



Theft of Equipment

Donald Crandall, former range safety officer at Fort McCoy, WI, pled guilty to one count of theft of Government property. Crandall and six other individuals devised a scheme to steal military and other equipment from Fort McCoy. The stolen items included Tow missile launchers, track cargo carri-

ers, snow blowers, a Sheridan tank, a bulldozer, a 20-ton crane and forklifts. Crandall admitted to diverting an M901A1 Tow missile carrier for personal gain. Special Agent Craig Adams, Minneapolis POD, conducted the investigation jointly with the FBI.

Kickbacks

Joel Azeff, meat manager for Thriftway Supermarket, pled guilty to one count of mail fraud. Azeff received kickbacks from a salesman of Butler Foods, a Philadelphia based meat distribution company and a DoD contractor, in return for ordering meat products from that company. The kickbacks to Azeff from 1992 to 1995 totalled \$23,166. In a related case, Carl Edwards pled guilty to one count each of mail fraud and filing a false tax return. Edwards also received kickbacks from a salesman at Butler Foods in return for ordering products from that company. The kickbacks to Edwards from 1992 to 1995 totalled nearly \$40,000. Edwards subsequently underreported his income for 1994 by approximately \$11,920. The investigation of Butler Foods representatives for bribery and kickback payments to commercial and DoD food managers is continuing. Special Agent Heather Zimmerman, Northeast FO, conducted these investigations jointly with the FBI and the IRS.



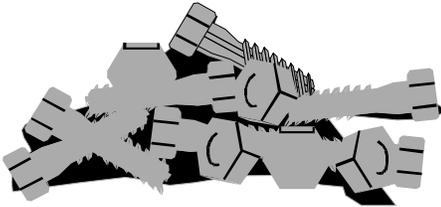
Bribery

John Donahue, an employee of the Department of Veterans Affairs (VA) Medical Center, Lyons, NJ, pled guilty to conspiracy to commit bribery. An investigation disclosed that Donahue accepted a bribe, allegedly offered by Roger Day, a DoD and VA contractor, doing business as All American Products and Quality Products Company, in exchange for awarding in excess of \$18,000 in contracts to Day's companies. Christine Day, wife of Roger Day and president of various Day companies, previously pled guilty to related charges and was sentenced. Roger Day is currently in custody in Rome, Italy, awaiting extradition to the United States to face related charges. Special Agent Paul Passafiume, New Jersey RA, conducted the investigation with the OIG, VA, and the U.S. Postal Inspection Service.

Sentences Kickbacks

Timothy R. Collins, former sales representative for Purdy Corporation (Purdy), Manchester, CT, was sentenced to 5 years probation, 400 hours community service and a \$30,000 fine for conspiring to make kickback payments. Collins conspired to pay kickbacks to two former purchasing agents of United Technologies Corporation, Sikorsky Aircraft Division (Sikorsky), Stratford, CT. He later testified as a Government witness at the trial of John Purdy, former president and chief executive officer of Purdy,

who was found guilty of participating in the kickback scheme. Sikorsky is a Top 100 DoD contractor that builds the U.S. Army Blackhawk and U.S. Navy Seahawk helicopters. Purdy is a subcontractor to Sikorsky. Special Agent Kathryn Feeney, Hartford RA, conducted the investigation with the FBI.

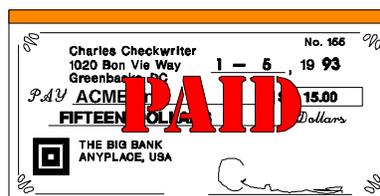


Fasteners

Eugene A. Broder, general manager for government sales, General Fasteners Company (General), Livonia, MI, was sentenced to 5 months incarceration, 5 months home detention, 3 years probation and a \$30,000 fine for wire fraud. An investigation found that Broder and General defrauded the Defense Industrial Supply Center, Philadelphia, PA, by supplying nonconforming fasteners and fittings. The parts supplied should have complied with rigid Government specifications for critical application military use. Broder and General were also charged with participating in a scheme to defraud a fastener supply business established in Philadelphia, PA. General previously pled guilty and has been sentenced. Special Agent Brian Hunt, Northeast FO, conducted the investigation jointly with the FBI, the Naval Criminal Investigative Service (NCIS), the AFOSI and the Department of Transportation.

Contract Fraud

Advanced Environmental Consultants, Incorporated (AEC), and Samir K. Sain, owner and president of AEC, were sentenced as follows: AEC to 5 years probation and to pay \$597,124 in restitution and a \$9,200 special assessment; Sain to 37 months incarceration (followed by 3 years supervised probation) and a \$2,300 special assessment. Sain and AEC were each found guilty on 46 counts of engaging in a scheme to obtain money and property by false and fraudulent pretenses in connection with a prime Government contract. The U.S. Army awarded contract exceeded \$7 million in value. The AEC and Sain falsely represented to the Government that 5,000 pounds of virgin carbon were required for carbon tank changeouts used in a waste water treatment plant at the Tooele Army Depot, Tooele, UT. In reality, Sain and AEC often used a cheaper, re-generated carbon in the system. However, Sain and AEC billed the Government for 5,000 pounds of carbon per changeout when, on average, only 3,000 to 4,000 pounds of carbon were used for each changeout. The Government loss was estimated at \$597,000. Special Agent Cynthia Krauth, Pittsburgh POD, conducted the investigation.



Check Fraud

Bradley D. Lyons, Boise, ID, was sentenced to 5 years probation, 150 hours community service, and to pay \$31,297 in restitution for one count of theft from the Government. Lyons father, Billy E. Lyons, had been deceased since May 24, 1991. However, Lyons continued to cash the military retirement pay benefits checks made payable to his father. The cashed checks totaled over \$31,000. Special Agent James Lacy, Salt Lake City RA, conducted the investigation jointly with the FBI.

Falsified Test Reports

Tank Systems, Incorporated (TSI), and the individuals below were sentenced as follows and ordered to be separately and individually responsible for payment of \$1.5 million in restitution to the Government:

- _ TSI--a \$200 fine for conspiracy.
- _ Clifford J. Hall--a National Guard environmental engineer who pled guilty to one count of conspiracy and one count of falsifying reports--36 months incarceration for each count (to be served concurrently), 24 months probation and to pay \$10,100 in fines, penalties and special assessments.
- _ Ronald R. McCann--president of TSI--36 months incarceration, 24 months probation and \$25,050 in fines, penalties and special assessments for conspiracy.
- _ Michael Luckie--former TSI employee--60 months probation, 250 hours community service

and \$6,050 in fines, penalties and special assessments for conspiracy.

_ Gary E. Heacock--former TSI employee--36 months incarceration, 24 months probation, a \$50 special assessment for conspiracy. A monetary fine and penalty to be determined later.

_ Erich Von Moore--former TSI employee--12 months incarceration, 24 months probation and \$6,050 in fines, penalties and special assessments for conspiracy.

_ Elvis O'Neal--former TSI employee--12 months incarceration, 24 months probation and a \$100 special assessment for conspiracy. The judge determined O'Neal was not able to pay any other fines or penalties.

Hall, a TSI consultant, submitted false certifications and conspired with McCann, Heacock and TSI to be paid for tests supposedly conducted on underground storage tanks located at National Guard facilities in the State of Texas. Under terms of a contract with the National Guard, TSI was to test the tanks for leakage. If a leak was detected, TSI was awarded follow-on contract work to remove the tank and clean up the contaminated soil surrounding it. An investigation determined TSI submitted falsified test reports on leaking tanks, falsely reported the soil surrounding a leaking tank was properly removed and disposed, and falsely certified work was performed in compliance with contract specifications. Special Agent Crystal Davenport, San Antonio POD,

conducted the investigation with the FBI, the U.S. Army Criminal Investigation Command (USACIDC), the AFOSI and the Texas Natural Resource Conservation Commission, with DCAA audit support.

Bribery

Gregory G. Rigas was sentenced to 3 years supervised probation (6 months to be served as home confinement) and to pay \$188,563 in restitution, a \$100 fine and a \$100 special assessment fee for conspiracy to bribe and mail fraud. Rigas was the chief executive officer of Hercules Construction Corporation (Hercules) and three other corporations, all of which do business with the DoD. An investigation of Hercules, Brooklyn, NY, disclosed that Rigas conspired to bribe a Government official in an attempt to receive inside information on bid opening dates and bid estimates. Rigas also submitted false and fraudulent surety and performance bond invoices to the New York District of the U.S. Army Corps of Engineers. He has been suspended from Government contracting and debarment proceedings are pending. Special Agent Kenneth Connaughton, New York RA, conducted the investigation with the FBI, the US-ACIDC, the New Jersey Fraud Team, and the New York City Department of Investigation, Housing Authority and School Construction Authority.



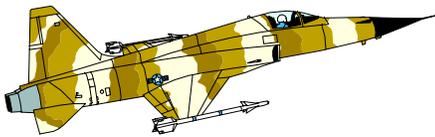
Excess Property

Roger J. Raether was sentenced to 2 years in prison, 3 years probation, and ordered to pay \$50,000 in restitution for the illegal acquisition and sale of Federal excess property from Defense Reutilization and Marketing Offices throughout the United States. Raether and others were authorized screeners of Federal excess property for use by various Indian tribal reservations. Over an approximate 3-year period, Raether and the others conspired to divert Federal excess property valued at over \$80 million for their own use and sale. Most of the acquired property was never transferred to an Indian reservation. Special Agent Randal Stewart, El Segundo RA, conducted the investigation with the FBI, the GSA, the Department of Interior and the NCIS.

Technology Export

Previously sealed indictments and guilty pleas of Peter Harms and William Dias were unsealed. The same date, Harms was sentenced to 57 months in prison, 36 months probation, a \$100,000 fine, and a \$100 special assessment fee--on release from prison he will be deported. Harms previously pled guilty to one count of conspiracy to export F-5 fighter aircraft parts to Iran, an embargoed country. Dias was sentenced to 3 years probation and a \$20,000 fine. Dias previously pled guilty to conspiracy to make false, fictitious and fraudulent statements and representations to the United States. Harms, Dias and others, joined

in a conspiracy whereby they would locate, package and prepare for export from the United States to Iran airplane parts for F-5 fighter planes and Boeing 707 aircraft. The scheme included using false documentation to disguise the true nature of the contents of the packages to be exported. Special Agent Joseph Diebert, Southwest FO, conducted the investigation with the U.S. Customs Service and the Department of Commerce Office of Export Enforcement.



Health Care Insurance

Hernan Enrique Burgos, M.D., former medical director for the Psychiatric Institute of Fort Worth (PIFW), Fort Worth, TX, owned by Psychiatric Institute of America, a wholly-owned subsidiary of National Medical Enterprises, a Fortune 500 company, was sentenced to 46 months confinement, 3 years supervised release, a \$425,000 fine and a \$700 special assessment. Burgos was previously found guilty on 14 counts of mail fraud relating to false claims submitted to the Government, including CHAMPUS. An investigation disclosed that Burgos billed for services rendered to every patient he had in PIFW for every day, even though he did not see every patient every day. Burgos felt he could bill as though he were seeing his patients every day because the patients were under his care. This attitude pre-

vailed even when Burgos was out of the United States on vacation. Special Agent Frederick Moore, Southwest FO, conducted the investigation with the FBI and the IRS.

Bank Fraud

Dorothy Y. Conley was sentenced to 6 months in prison, 24 months probation, \$1,250 in restitution and a \$50 special assessment fee for conspiracy to commit bank fraud. Conley, as part of a larger conspiracy, obtained a stolen check in excess of \$80,000 from the Defense Finance and Accounting Service (DFAS), Columbus, OH. The check was deposited into a fraudulently opened business account and the funds then withdrawn in 10 cashier's checks. Conley used false identification in two attempts to negotiate two of the checks. Before law enforcement identified the scheme, another co-conspirator cashed one \$10,000 check and distributed the proceeds to other known co-conspirators. During the investigation, the financial institution froze the account and all monies within it. To date, five co-conspirators have pled guilty to their roles in the scheme. Special Agent James Olmstead, Columbus RA, conducted the investigation with the U.S. Secret Service.

Defective Heat Treatment

United Engineering, Incorporated, Joseph J. Heizer, Pevely, MO, and Ronald L. Forshee, Arnold, MO, president and manager, respectively, of United Engineering, were sentenced as follows: United Engineering to 24

months probation, a \$500,000 fine and a \$200 special assessment for wire fraud; Heizer to 12 months probation, a \$7,170 fine and a \$50 special assessment for theft of Government property; Forshee to 12 months probation, a \$1,000 fine and a \$25 special assessment for theft of Government property. Acting through Heizer and Forshee, United Engineering knowingly converted Government funds for use by the company in connection with an aging oven for the heat treatment of parts. A defective material certification was prepared for parts produced and delivered under a DoD subcontract and a portion of the expenses for the oven was improperly reimbursed through billings under the subcontract. In November 1996, the Air Force suspended the defendants from further Government contracting. Special Agent Willim Hencken, Central FO, conducted the investigation with the FBI.

Civil Settlements

Improper Tests

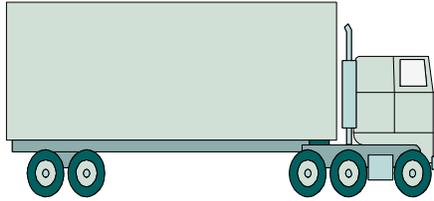
Dillingham Construction Pacific, Limited (doing business as Hawaiian Dredging and Construction Company (HD&CC)), Finlay Testing Laboratories, Incorporated (FTL), and Gordon W. Finlay paid \$1 million in a settlement agreement to settle substandard testing allegations and Civil False Claims Act violations. The settlement agreement contained no admissions of liability. The FTL was subcontracted by HD&CC to perform nondestructive quality testing of welds at the Johnston Atoll

Chemical Agent Disposal System, a chemical weapons disposal plant. The FTL and Finlay knowingly performed standard testing of the process piping welds and falsely certified the welds met all applicable contract specifications. A significant number of the radiographic tests were of such poor quality they were unacceptable under the contract specifications. Numerous false statements and false claims were submitted by FTL to HD&CC, which were presented for payment to the United States. The substandard testing caused the United States to incur substantial costs to retest and confirm the quality of the process piping welds. Special Agent Lynne Lowe, Hawaii POD, conducted the investigation.

Unsafe Medical Facility

Community Psychiatric Center of Oklahoma, doing business as Community Psychiatric Center Southwind Hospital, agreed to a \$750,000 civil settlement with the Government to resolve allegations that it defrauded Government health programs. An investigation disclosed that Community Psychiatric Center Southwind Hospital, Oklahoma City, treated children in an unsafe and harmful environment, then submitted improper claims for reimbursement to CHAMPUS. The hospital denied the allegations; however, the District Court denied the hospital's Motion to Dismiss the case and stated the claim by the United States was actionable under the False Claims Act. Special Agent Charles Case, Tulsa POD, con-

ducted the investigation with the FBI and the Oklahoma Attorney General's Office.



False Freight Invoices

A summary judgment was filed against John T. Gillespie, former employee of Daniel F. Young, Incorporated, pursuant to a civil action brought by the Government against William Healy Hines, Marguerite D. Hines and Gillespie. Under the terms of the judgment, Gillespie was ordered to pay \$6,680,000 to the Government in restitution and damages for submitting false claims. Additionally, he was ordered to pay \$74,925 in outstanding restitution originally ordered in his criminal conviction. An investigation into illegal billing practices in the trucking industry uncovered a fraudulent billing scheme involving Gillespie and others, with the assistance of Sylvan Friedman, former president and owner of the now defunct Multi-Modal Freight Systems, Incorporated, Baltimore, MD. The scheme involved creating hundreds of false inland freight invoices that were submitted to the DoD for the transport of military cargo. The military cargo was purchased by the Arab Republic of Egypt under the Foreign Military Sales Financing Program administered by the Defense Security Assistance Agency. Special

Agent Richard Latham, Mid-Atlantic FO, conducted the investigation with the FBI and the IRS.

False Travel Claim

Dawn Ann Lee, a former cashier for DFAS, Columbus, OH, entered the Pretrial Diversion Program for 12 months. A previous civil settlement of \$1,500 was reached between Lee and the Government to resolve allegations of false claims. Lee, a Defense Reutilization and Marketing Service employee in Battle Creek, MI, was transferred via a permanent change of station to DFAS-Columbus. She falsely claimed that three children resided with her during the relocation period when only two of her children permanently resided with her. The Government loss was \$660. Special Agent Thomas O'Connor, Chicago RA, conducted the investigation.

Health Care Fraud

Ronald Chambers Frier, a medical practitioner, agreed to pay the Government \$40,000 in an out-of-court settlement for fraudulently received funds. Frier practiced psychotherapy in Fayetteville, NC, without a license and submitted false credential, educational and license information to CHAMPUS. Between January 1987 and November 1993, Frier received \$44,000 in CHAMPUS payments. Due to the age of the claims, only \$30,616 existed to recoup. Special Agent Marty McGuire, Chapel Hill RA, conducted the investigation with auditing assistance from the DCAA.



To report suspected fraud involving to Department of Defense or to comment on this newsletter please contact the nearest Defense Criminal Investigative Service office. The addresses and telephone numbers of the offices that are part of the Central Field Office are listed below.

CENTRAL Field Office
8000 Maryland Avenue
Suite 720
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CHICAGO Resident Agency
2350 E. Devon Ave., Suite 150
P.O. Box 483
Des Plaines, IL 60018-4606
Voice: (847) 827-9480
Telefax: (847) 827-3724

CLEVELAND Resident Agency
7550 Lucerne, Suite 200
Islander Park One Building
Middleburg Heights, OH 44130
Voice: (216) 522-2296/7
Telefax: (216) 522-7196
FTS: 942-2296/7

COLUMBUS Resident Agency
P.O. Box 13163
Whitehall Branch,
Columbus, OH 43213-0163
Physical Location:
Defense Construction Supply
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3990 E. Broad St., Bldg. 100
Columbus, OH 43213-5000
Voice: (614) 692-3629/3855
Telefax: (614) 231-8905

DAYTON Resident Agency
Gentile Station
1000 Franklin St., Suite 2
Dayton, OH 45444-5330
Voice: (513) 296-5006/5059
Telefax: (513) 296-8330

KANSAS CITY Resident Agency
Federal Building, Room 565
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Kansas City, KS 66101-2433
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