

# Fraud Awareness Newsletter

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



## Health Care Fraud

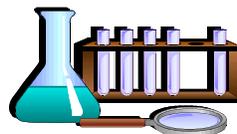
A 40-count indictment was returned against Dr. Keith O'Neil Perry of KP Medical Center, Los Angeles CA, for conspiracy to defraud the United States, false statements, mail fraud, wire fraud and bankruptcy fraud. Perry allegedly submitted over \$3 million in false claims to Government health benefits programs for treatment and durable medical equipment such as lymphedema pumps that were never provided to the beneficiaries. He also allegedly conspired with others to receive and pay kickbacks in violation of the Health Care Anti-Kickback Act. Perry and KP Medical Center have been Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) providers since 1988. Special Agent Donald Bolte, Long Beach Resident Agency (RA), conducted the investigation with the FBI and the Department of Health and Human Services (HHS).

## Bribery

An indictment was returned against Scott King, Marbury, MD, charging him with conspiracy to commit bribery, bribery and failing to file Federal income taxes. King was a contracting officer's technical representative with the Internal Revenue Service (IRS). In 1990, the IRS, through King, awarded a long-term follow-on 8(a) contract

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contaminated water, as well as other hazardous wastes that included polychlorinated biphenyls [PCBs]. An investigation determined that Kirk allegedly discharged petroleum-contaminated water or directed company employees to discharge contaminated water into the municipal sewer system, submitted false Quarterly Monitoring Reports Avion used to notify the City of Richmond of the hydrocarbon contamination levels of the contaminated water it planned to discharge, and changed independent laboratory reports to reflect lower values for benzene, toluene, ethylene and xylene. The falsified laboratory reports made it appear that Avion and its predecessor companies were operating within the parameters of the approved wastewater discharge permit. Special Agent Benjamin Pruett, Richmond Post of Duty (POD), conducted the investigation with the Environmental Protection Agency and the Federal Bureau of Investigation (FBI).



## Prosecutions Environmental Crime

A 12-count indictment was returned against L. Robert Kirk, Midlothian, VA, charging him with false statements and illegal discharge of waste water into the City of Richmond and municipal water supply in violation of the Clean Water Act. Kirk is the former general manager for Avion Environmental Group, Incorporated (Avion), and its predecessor companies, Environmental Restoration (Richmond) Corporation and Environmental Restoration (USA) Corporation, all located in Richmond, VA. Avion contracted with the Military Services and the Defense Logistics Agency to clean fuel tanks and to remove petroleum-

worth \$57 million to Washington Data Systems (WDS), Landover, MD, to provide hardware and software maintenance computer services. Mark Nicholas, a consultant to WDS, provided marketing services for them on this contract, as well as other contracts obtained by WDS. Nicholas was paid 5 percent of the gross revenues generated by WDS. The WDS then awarded RGI, Incorporated (RGI), Falls Church, VA, a subcontract for the IRS effort. Paul Kinter performed marketing services for RGI. An investigation revealed an alleged illicit agreement between King, Nicholas and Kinter to solicit payoffs in return for assurances that WDS would be awarded IRS 8(a) contracts. The 5 percent commission paid to Nicholas by WDS would then be split among the three individuals. Nicholas was paid \$1.7 million in commission fees by WDS, which were expensed to the WDS overhead accounts and then billed against DoD cost type contracts previously awarded to WDS. The payments to King were concealed through a money laundering mechanism that funneled these payments through a series of financial transactions such as consultant commissions and cash payments to Kinter and King. Special Agent Harry Armstrong, Baltimore POD, is conducting the investigation jointly with the IRS and with audit assistance from the Defense Contract Audit Agency (DCAA).



### **Insurance Fraud**

A seven-count indictment was returned against Arthur Gus Bennett, a former U.S. Marine, currently incarcerated in the State of Utah. Among other violations, the indictment charges Bennett with insurance fraud and theft under the State of Nevada revised statutes for fraud involving the Servicemembers Group Life Insurance (SGLI) program. The SGLI is a group life insurance program offered to active duty members of the Armed Forces. Bennett was allegedly involved in a false death claim, arising from a trailer fire on February 3, 1994, in Las Vegas, NV. A SGLI insurance claim citing Bennett's death was filed by Bennett's family, resulting in fraudulent beneficiary payments of \$200,000. Special Agent James Lacy, Salt Lake City RA, is conducting the investigation.

### **Product Substitution**

An indictment was returned against Barry Knox, a former employee of McCluskey Chevrolet-Geo, Incorporated (McCluskey), Cincinnati, OH, charging him with mail fraud, false statements and false claims. Knox was previously employed as the government sales manager for McCluskey. His duties and responsibilities included obtaining and performing on DoD contracts awarded to supply parts used in military vehicles. Knox submitted bids and obtained multiple DoD contracts to supply General Motors Corporation (GMC) manufactured pistons with specified GMC part numbers. An investigation deter-

mined that Knox allegedly purchased substitute pistons that were not Original Equipment Manufactured by GMC. Knox further caused the pistons to be falsely labeled, packaged and delivered to the DoD through the U.S. mail. Special Agent John Carper, Dayton RA, is conducting the investigation.



### **Explosives**

A one-count indictment unsealed in U.S. District Court, Western District of Oklahoma, charged Lynn Nathan Winthrop Sherrow with possession of stolen DoD explosives. Specifically, Sherrow allegedly had in his possession several pounds of M112 military C-4 explosive. The explosive, which is designed to be used by the U.S. Military, is never sold or released by the DoD to the public. Special Agent Charles Case, Tulsa POD, is conducting the investigation with the Bureau of Alcohol, Tobacco and Firearms.

### **Tax Fraud**

An information was filed in U.S. District Court, Minneapolis, MN, charging Nathaniel Robert Wilson with forgery, counterfeiting and/or falsely altering a certificate of discharge from the Military Service of the United States. Wilson allegedly altered, possessed and used a false Re-

port of Separation from Active Duty (DD Form 214) to obtain State of Minnesota Combat Wounded (Purple Heart) license plates from the Minnesota Department of Driver and Vehicle Services. The falsely altered DD 214 indicated that Wilson had been awarded the Purple Heart on seven occasions, when, in fact, he was never awarded a Purple Heart. Purple Heart license plate holders are exempt from paying personal property tax for that vehicle. Special Agent Daniel Boucek, Minneapolis POD, is conducting the investigation jointly with the FBI.



### **Health Care Fraud**

An information was filed in U.S. District Court, Cleveland, OH, charging Dr. Nader Afrooz with one count of mail fraud. From 1992 through 1997, Afrooz, a licensed neurologist, allegedly caused his office staff to bill third party payors, such as Medicare, Medicaid, the Ohio Bureau of Workers Compensation, Blue Cross and Blue Shield of Ohio, and CHAMPUS, for needle electromyography (EMG) on patients. The EMGs were either partially performed or not performed at all and in some cases, the EMGs were not necessary for the health of the patient.

Checks from the third party payors to Afrooz were sent via the U.S. mail. Special Agent Wayne Dorsch, Cleveland RA, is conducting the investigation with the FBI and the Ohio Bureau of Workers Compensation.

### **Mischarging**

Jorge Morales, former program manager, Greenwich Air Services (GAS), Melbourne, FL, pled guilty to one count of making a false statement within the jurisdiction of the U.S. Air Force in relation to the Air Force Joint Surveillance Target and Attack Radar System (JointStars) E8-C aircraft contract. This 1990 contract was between the Air Force and Grumman Corporation (now Northrop Grumman). In January 1993, Morales conspired with Anderson Jordan, president, Jordan Air Repair Services, Incorporated (JARSI), Miami, FL, to create false JARSI invoices that were submitted to GAS headquarters in Miami, FL. Grumman had a subcontract with GAS to provide a Contingency Deployment Study (CDS). The CDS included a study of JointStars deployment capability and recommendations for improving the capability and ensure timely deployment of the E8-C JointStars system. Morales had Jordan submit four separate \$6,000 invoices for work allegedly done on the CDS. Jordan received payment from CDS, cashed the checks and paid Morales \$16,000. Morales subsequently had the GAS employees conduct the CDS and bill their time to another Grumman contract. The subcontract between

Grumman and GAS was valued at \$24,324. The GAS billed Grumman for that amount and the cost was then passed on to the Air Force by Grumman. Grumman has since credited the Air Force contract that amount. Special Agent Michael Parker, Fort Lauderdale POD, conducted the investigation jointly with the Air Force Office of Special Investigations (AFOSI).

### **False Invoices**

Colin Day, president, Lynnfield Leather, Limited (Lynnfield Leather), Lynnfield, MA, pled guilty to making a false statement to the Government. The plea relates to Day providing fictitious invoices in the amount of \$340,370 to Rubin Gloves, Incorporated (Rubin Gloves), Gloversville, NY. Lynnfield Leather was a supplier to Rubin Gloves on a DoD contract to produce approximately \$7.5 million of military dress gloves. Everett Weber, president, Rubin Gloves, and Day agreed to create fraudulent invoices so Weber could receive advance progress payments from the DoD for work that had not been accomplished. Weber previously pled guilty and is currently awaiting sentencing. Special Agent William Bates, Syracuse RA, conducted the investigation with the FBI and with audit assistance from the DCAA.

### **Health Care Fraud**

Henri J. Schapira, M.D., owner, Adult and Adolescent Psychiatry PC, Wallingford and New Haven, CT, pled guilty to mail fraud, unlawful dispensing of a controlled substance without

a legitimate medical purpose and criminal asset forfeiture. About January 1994, Schapira devised a scheme to defraud and obtain money by means of false and fraudulent pretenses and representations to the DoD, Medicare, Medicaid and his patients. Specified in the indictment were CHAMPUS, the HHS and the Department of Social Services for the State of Connecticut. The scheme included billing for services and procedures that were not performed or were not performed in the manner represented. Schapira also dispensed controlled substances outside the scope of professional practice and not for legitimate medical purposes and with criminal asset forfeiture. Special Agent Richard Cannon, Hartford RA, conducted the investigation in conjunction with the FBI Health Care Task Force, the Drug Enforcement Administration, the HHS, the Chief, State's Attorney Office, Rocky Hill, CT, and the Connecticut Department of Consumer Protection, Hartford, CT.



### **Embezzlement**

Sandra K. Utley, former employee of Park Ridge Terrace Nursing Home, Loves Park, IL, pled guilty to one count of embezzlement and/or stealing monies of the U.S., and one

count of filing a false tax return. Between January 1994 and September 1996, Utley stole and negotiated U.S. Treasury checks issued to residents of the nursing home who had died. Utley, in her position as secretary, was responsible for notifying agencies of the deaths of nursing home residents, which she failed to do. Using her position to open mail for deceased residents, Utley stole checks totaling \$24,555.59, issued by such agencies as the DoD, the Social Security Administration and the Department of Veterans Affairs. The loss to the DoD is \$2,784. Special Agent Philip King, Chicago RA, conducted the investigation with the IRS and the Police Department of Loves Park, IL.



### **Insurance Fraud**

Michael W. McGhee pled guilty in U.S. District Court, Columbus, OH, to one count of mail fraud. The investigation of McGhee was initiated based on information received through the U.S. Attorney's Health Care Fraud Task Force. A private insurance company reported McGhee was suspected of defrauding DoD civilian employees, former military members, and private citizens in a supplemental life insurance policy scheme. The private insurance

company determined a supplemental life insurance policy had been surrendered for its cash value without any authorization from the policy holder. It was determined that McGhee set up a scheme using over nine "mail drops" to falsely represent himself as the actual policy holder. McGhee would then contact the insurance companies, execute change of address forms, and ultimately forge signatures on documents surrendering the policies. McGhee attempted to obtain over \$30,000 using this scheme, and was able to actually defraud the companies of \$23,754. Special Agent Jay Strauch, Columbus RA, conducted the investigation jointly with the U.S. Postal Inspection Service.

### **Kickbacks**

Dynasty Performance, Incorporated (Dynasty), pled guilty to violating the Anti-kickback Act. The plea was entered by Traci Marie Maceroni, Dynasty owner and president. Dynasty is a precision machine shop that fabricates items under subcontract to Lockheed Martin Services (Lockheed), Cape Canaveral, FL, a prime contractor with the National Aeronautics and Space Administration (NASA) and the DoD. Lockheed manufactures radar support equipment, radar system spare hardware for the DoD, as well as shuttle work stands/hardware and shuttle ground equipment for the NASA. Maceroni paid kickbacks to a Lockheed procurement supervisor who had the authority to solicit bid information from companies and to award

Lockheed purchase orders and/or subcontracts. In exchange for the kickbacks, Dynasty received sensitive bid information and continued business from Lockheed. Maceroni entered into an agreement for pretrial diversion. Special Agent Odie Crumpler, Orlando RA, conducted the investigation with the FBI, the NAS and the AFOSI.



### **Assault on an Agent**

Terry Jay Johnson, an attorney at law in Lake Charles, LA, pled guilty to one count of simple assault. Johnson forcibly assaulted and impeded a special agent of the DCIS in the performance of his official duty. This occurred during the execution of a search warrant at the law offices of Gayle Marshall, Lake Charles, LA. Johnson was not a subject of the Marshall investigation but shared office space with Marshall. Marshall has since pled guilty to obstruction of justice and false declarations before a grand jury and is serving a 13-month prison sentence. Special Agent Steve Vereb, Southeast Field Office (FO), conducted the investigation with the U.S. Army Criminal Investigation Command (USACIDC) and the Georgia Bureau of Investigations.

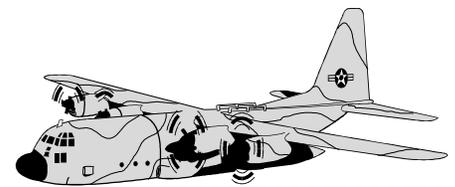
### **Sentences**

#### **Theft of Aircraft**

Fred A. Fuchs and Roy D. Reagan were sentenced in Tucson, AZ, on one count of conspiracy.

Fuchs was sentenced to 24 months confinement, 3 years supervised release and a \$50 special assessment; Reagan was sentenced to 30 months confinement, 3 years supervised release and a \$50 special assessment. Between December 1987 and September 1992, Fuchs and Reagan conspired to steal 28 excess military aircraft (22 C-130A aircraft and 6 P-3A aircraft). The conspiracy included mail fraud, wire fraud, bribery, false statements and theft. The theft included converting to their own or others use a C-130A aircraft valued between \$1 million and \$3 million. Beginning in 1987, Fuchs and Reagan convinced officials of the U.S. Air Force and the U.S. Navy to transfer the aircraft from the DoD to the Forest Service, which is under the U.S. Department of Agriculture (USDA). Fuchs and Reagan told members of the DoD and the General Services Administration (GSA) the aircraft would be used as Government-furnished property on contracts between the Forest Service and Forest Service contractors that operate aerial fire fighting aircraft. Moreover, Fuchs and Reagan falsely purported Reagan to be a consultant to the Forest Service, allowing him access to DoD facilities to identify, inspect and acquire the aircraft on behalf of the Forest Service. On receipt of the aircraft into Forest Service inventory, Fuchs, who was the former Assistant Director for Fire and Aviation Management, Forest Service, traded the C-130A and P-3A aircraft with air-

tanker operators for alleged "historic" aircraft under provisions of the Federal Property Management Regulations (FPMR), which allow for historic trades. However, the provisions of the FPMR that allow for historic trades did not apply to the Forest Service or for the specific trades executed by Fuchs. The estimated value of the aircraft traded away by Fuchs is \$28 million. Reagan received over \$1.2 million for his role in the trades and Fuchs received enhancements valued at \$40,000 to his airline transport pilot's license. Special Agent Raymond Smith, Mid-Atlantic FO, conducted the investigation with the Naval Criminal Investigative Service, the GSA and the USDA.



### **Product Substitution**

Jeffrey J. Weinsten, a former Assistant District Attorney in New York, was sentenced to 1 year probation, 6 months to be home confinement, to pay \$36,000 in restitution, a \$2,000 special assessment fee and a \$150 court fine for mail fraud. Weinsten was general manager of Protective Textiles, Incorporated, and the former president of Winfield Manufacturing, Incorporated, a now defunct DoD clothing and textile manufacturer. The chemical protective suits Weinsten sold to the U.S.

Coast Guard (USCG) were defective and had failed two previous inspections conducted by DoD quality assurance representatives. The suits were used by USCG Port Security Unit personnel in the Persian Gulf during Operation Desert Storm. Special Agent Silvana Falco, New York RA, conducted the investigation with assistance from the Department of Transportation and the DCAA.

### **Theft**

Dennis F. Shemwell, former police officer in Granite City, IL, was sentenced to 2 years probation, 25 hours of community service, and a \$50 special assessment. Shemwell previously pled guilty to one count of interstate transportation of stolen property. In December 1994, William Smith, a friend of Shemwell, was employed by the McDonnell Douglas Corporation (McDonnell Douglas), now The Boeing Company, St. Louis, MO, as an outside contractor to work on computers and computer equipment at McDonnell Douglas. Smith was also an auxiliary police officer for the Police Department, Granite City, IL. Smith stole a Mitsubishi sublimation full-color printer, valued at \$18,000, from the McDonnell Douglas facilities. The printer was then transported from St. Louis, MO, to Granite City, IL. Shemwell aided and abetted the interstate transportation by arranging a place to store the stolen printer. Special Agent Linda Hanley, Central FO, conducted the investigation with the FBI.

### **Theft**

David Anderson was sentenced in U.S. District Court, Eastern District of New York, to 1 year incarceration (to run concurrently with his state sentence), 3 years supervised release, a \$2,000 fine (payable to GSA), a \$30,000 criminal fine, \$14,630 restitution to the IRS and a \$100 special assessment for theft of Government property and income tax evasion. Anderson stole Federal, state and privately donated property from the Board of Cooperative Educational Services, Dix Hills, NY, a vocational school where he worked as principal for over 20 years. Anderson used his official position to procure and then remove items from the school such as aircraft engines, automobiles, automotive parts, tools and outboard motors and then sold them to various individuals. The federally donated property was acquired through GSA and was donated to the school through the New York State Office of General Services, Federal Property Assistance Program. A TF-41 jet engine donated to the school, which was originally used by the Jacksonville Naval Air Station and had an original procurement value of \$1 million, found its way to the Island of Malta for use on the set of a major motion picture. Anderson failed to claim this additional income on his tax return. Anderson is currently serving a 1 to 3-year indeterminate term in state prison. Special Agent Stephanie Jimroglou, New York RA, conducted the investigation jointly with the IRS and

the GSA.

### **Identity Theft**

Sharon Elaine Hesselton and Francisco Valesco Celindro were sentenced in Minneapolis, MN, for conspiracy. Hesselton was sentenced to 4 years probation, restitution of \$13,236.65 and a \$100 special assessment; Celindro to 6 months confinement followed by 6 months home detention, restitution of \$13,236.65 and a \$100 special assessment. Hesselton, Celindro, Christopher Johnson and Eva Marie Gompf devised a scheme to assume identities using false U.S. Military identification cards. The four then obtained stolen credit cards and manufactured additional U.S. Military identification cards in the names of the stolen credit cards. Subsequently, they used the stolen credit cards to purchase five laptop personal computers valued in excess of \$15,000. Special Agent Kevin Gjertsen, Minneapolis POD, conducted the investigation with the U.S. Secret Service and the Police Departments for Edina and Bloomington, MN.

### **Witness Tampering**

Frances G. Sternberg, Kansas City, MO, was sentenced to 6 months home confinement, 12 months probation and ordered to pay a \$2,025 fine for harassment of another person to hinder, delay, prevent or dissuade that person from attending or testifying in an official proceeding. On or about July 14, 1997, Frances Sternberg contacted the rabbi of a witness scheduled to testify at a jury trial against her husband

Dr. David Sternberg. She used intimidation, corrupt persuasion and misleading conduct toward the rabbi with the intent to influence or prevent the testimony of the witness. David Sternberg was convicted by a Federal jury and is scheduled for sentencing. Special Agent Troy Bird, Kansas City RA, conducted the investigation with the FBI.



### **Product Substitution**

Thomas John Dennis was sentenced in Charleston, SC, to 5 months in a halfway house, 5 months home confinement, 3 years probation, \$5,000 restitution and a \$50 special assessment for fraud. Dennis, in his positions as vice president of operations and production manager of Atlantic Industries, Limited, caused the substitution of non-conforming materials in the manufacture of field kitchens under two contracts awarded by the U.S. Army Aviation and Troop Command. The first contract, valued at \$9,965,643, called for the manufacture of 953 trailer mounted field kitchens for use by the U.S. Army to provide food services to combat troops while in the field. The second contract, valued at \$11,855,756, called for an additional 1,199 field kitchens. Special Agent Charles Suttles, Southeast FO, conducted the investigation jointly with the USACIDC.

### **Theft by Police**

Morris Butcher was sentenced in Memphis, TN, to 2 years probation, fined \$600, ordered to make restitution of \$123.50 and to pay a \$50 special assessment for theft of Government property. Butcher and other police officers at the Defense Depot Memphis, Memphis, TN (DDMT), stole Government property from the DDMT. Two other officers have been indicted in the case. Special Agent Byron Hogan, Nashville POD, conducted the investigation. Civil Information



### **Theft of Surplus**

A civil complaint was filed against Alan C. Hull, communications systems director, Washington State Department of Transportation (WSDOT), and Everett D. Womack, a retired WSDOT employee, for violations of the False Claims Act. The complaint alleges damages of \$322,570 to the United States and demands a treble damage payment of \$967,710. An investigation was conducted into the alleged unlawful acquisition, possession, and use of Federal excess property obtained by Hull, Womack and others from various Defense Reutilization and Marketing Offices. It was determined the property was not used for official purposes, but,

instead, was stored at a personal residence and converted for personal use. The WSDOT gains access to the Federal excess property through the Federal Highway Administration. Special Agent Jennifer Wallace, Seattle RA, is conducting the investigation with the GSA.

### **Civil Settlement Cost Mischarging**

The Raytheon Company entered into a civil settlement agreement with the Government in which Raytheon agreed to pay \$2.7 million. The agreement settles allegations that Raytheon charged the Government for costs Raytheon had incurred in marketing its products to foreign governments. Since 1986, Raytheon's cost accounting procedures have provided for separate accounting treatment of foreign marketing costs and domestic marketing costs. These procedures, and the Cost Accounting Standards of the Federal Acquisition Regulation, require that Raytheon's foreign marketing costs be allocated to contracts between Raytheon and its foreign customers and that domestic marketing costs be allocated to Government contracts. The Government has asserted that most of the activities of the Raytheon international development function were foreign marketing activities and that Raytheon improperly classified the costs as "division administration" costs allocable to Government contracts. Special Agent Kenneth Kolben, Boston RA, conducted the investigation, with audit 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.*

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**CLEVELAND Resident Agency**  
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**COLUMBUS Resident Agency**  
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**KANSAS CITY Resident Agency**  
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Telefax: (414) 297-1817  
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Telefax: (612) 222-8316  
E-Mail: 40mn@dodig.osd.mil

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Voice: (605) 330-4211  
Telefax: (605) 330-4410  
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**WICHITA Post of Duty**  
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