

Crime Awareness Newsletter

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



agement Command contracted with the Burnham Service Corporation (Burnham), Atlanta, GA, to move office equipment and other miscellaneous property from Fort Harrison to Fort Jackson. Burnham subcontracted with Intercontinental and they were responsible for the packing and loading of the equipment at Fort Harrison. On 35 occasions, Phillips allegedly submitted claims for wooden crating packing material that was never used. The resulting loss to the DoD is approximately \$53,000. The Indianapolis Post of Duty (POD) is conducting the investigation.

To receive this newsletter electronically e-mail requests to 40SL@dodig.osd.mil. You can download this and past editions of the newsletter and the Adobe Acrobat Reader ver. 3.0 at www.desc.dla.mil/main/d/home_g.htm. This newsletter is based on press releases and public information.

Indictments

Kickbacks

Indictments were returned against Community Clinical Laboratory (CCL), Clearwater, FL; James McKeown, Sr.; James McKeown, Jr.; Vincent Gepp; Robert Hartzell, M.D.; Ira Liss, M.D.; Cesar Lara, M.D.; Russell Bufalino, M.D.; and Michael Spuza, M.D. All are charged with allegedly conspiring to defraud the TRICARE and Medicare health care programs. The McKeowns owned and operated CCL; Gepp was CCL's general manager. The CCL allegedly conspired with the physicians to pay kickbacks, disguised in various forms, in return for the physicians' patient referrals. In addition,

Hartzell and Bufalino allegedly accepted kickbacks from the SOMED Company, Clearwater, FL, in return for their patient referrals. The patients referred to CCL and SOMED included those covered by the DoD TRICARE Program and by Medicare. The Orlando Resident Agency (RA) is conducting the investigation with the Internal Revenue Service (IRS), the Health and Human Services (HHS) and the U.S. Postal Inspection Service (USPIS).

Overcharging

A 35-count indictment was returned against Bonnie A. Phillips, former general manager and secretary/treasurer of Intercontinental Van Lines of Indiana, LLC (Intercontinental), Indianapolis, IN, for allegedly submitting false claims to the Government. An investigation disclosed Phillips allegedly submitted false claims in connection with the movement of Department of Defense (DoD) property from Fort Harrison, IN, to Fort Jackson, SC. The Military Traffic Man-

Kickbacks

A four-count indictment was returned against John Roche' Wheat, former project manager for PI Construction Company, Scott Air Force Base (AFB), IL, and Donald James Hartenberger. Wheat is charged with two counts of accepting kickbacks, and Hartenberger is charged with two counts of providing kickbacks. In July and November 1994, Wheat allegedly accepted two kickbacks in the amount of \$25,000 from Hartenberger in exchange for Wheat's assistance in obtaining subcontracts at Scott AFB. The Central Field Of-

office (FO) is conducting the investigation with the USPIS.

Workman's Compensation

An indictment was returned against Nelson Velez for allegedly defrauding the Federal Employee's Compensation Act (FECA). Velez, a former DoD police lieutenant employed by the U.S. Navy, claimed to have injured his back while on duty and was placed on disability leave. From January 17, 1992 through October 15, 1995, he received \$78,400 in FECA benefits, which equaled 75 percent of his salary. When preparing the forms to receive FECA benefits, Velez allegedly failed to disclose to the Office of Worker's Compensation, Department of Labor (DoL), that he was self-employed and conducting business under the corporate name Executive Armored and Courier Service, Incorporated. The New York RA is conducting the investigation jointly with the Department of Labor (DoL).

Diversion of Funds

A three-count indictment was returned against William Gallegos, Fontana, CA, for alleged conversion of money by an employee of the United States. Gallegos, an employee of the U.S. Army Corps of Engineers, Los Angeles District, acted as the resident engineer on the Santa Ana River Mainstem Project. This is a flood control project funded jointly by the Federal and local county governments. An investiga-

tion determined Gallegos allegedly used his authority to cause contractor payments of \$25,000 to be diverted to himself. The Western FO is conducting the investigation.

Training Costs

A criminal complaint was filed against John Dee Douglas, Jr., charging him with four counts of theft of public money, property or records. Douglas is a former Federal Government employee of the Defense Mega Center, Naval Air Station North Island, Coronado, CA. An investigation disclosed Douglas allegedly submitted fraudulent requests and received payment for training he never attended. Douglas was reimbursed with U.S. Treasury checks for unauthorized specialized computer training. The San Diego RA is conducting the investigation.

Health Care Fraud

An information was filed against Margaret Spierdowis Telgheder in U.S. District Court, Boston, MA, charging her with one count of conspiring to defraud the United States by billing for unnecessary hepatitis laboratory tests. She subsequently pled guilty to the charge. From approximately September 1991 through 1996, Telgheder conspired with others to defraud the United States by deceiving physicians, customers and others, and causing physicians to order blood tests that were not medically necessary for the treatment or diagnosis of their patients.

The conspiracy involved adding tests to preexisting panels of blood laboratory tests. Each time the physician ordered the panel of tests for a patient, an additional test, which was not medically necessary, was performed for the patient. From 1990 through March 1994, Telgheder was the vice president of marketing for Medical Products Division, Incorporated (MPD), and from 1994 through April 1997, she was a business unit manager for Lifechem, Incorporated. Both MPD and Lifechem were wholly owned subsidiaries of National Medical Care, Incorporated, a corporation headquartered in Waltham, MA. The Boston RA is conducting the investigation with the Federal Bureau of Investigation (FBI), the HHS and the DoL.

Hazardous Waste

A one-count information was filed charging Continental Contractors, Incorporated (Continental), Sharon Hill, PA and its owner, Paul A. Lanigan, with committing major fraud against the United States. Continental, a DoD contractor, allegedly improperly disposed of trash and solid waste materials it removed from DoD facilities. Contrary to contract terms, Continental took a significant quantity of solid waste material from the DoD facilities to its nonpermitted facility in Sharon Hill, PA, and then billed the Government for full disposal costs. The value of

the improper claims totaled over \$3.5 million. The Northeast FO is conducting the investigation jointly with the Naval Criminal Investigative Service (NCIS) and the Environmental Protection Agency Task Force.

Health Care Fraud

Arthur Enos, Burlington, MA, and Enos Ambulance Service, Burlington, MA, pled guilty to three counts of mail fraud and submitting false claims to the Government. Under Enos' direction, the company falsely inflated mileage charges on ambulance services provided and billed to the DoD TRICARE program and to Medicare. Enos allegedly over billed the Government \$204,000; he deposited a check for that amount with the Court as restitution to the Government. He and the company are scheduled for further sentencing. The Boston RA conducted the investigation with the FBI and the HHS.

Kickbacks

Larry Allen Dennis, former president of Systems Engineering and Energy Management Associates, Incorporated (SEEMA), Hampton, VA, pled guilty to one count of unlawfully soliciting and accepting kickbacks from subcontractor Carl William Kruse, Jr., a general partner in Eastern Electric Company (Eastern), Hampton, VA. From early 1992 through late 1997, Dennis was an officer of SEEMA. He solicited and accepted approximately 57

monetary payments totaling \$544,560 and two noninterest bearing loans totaling \$240,000 from Kruse. In return, Dennis extended favorable treatment in connection with subcontracts for Eastern relating to prime contracts entered into between SEEMA and the Government. While Kruse was acting as the project manager for SEEMA on the Simplified Acquisition of Base Engineering Requirements contract at Langley AFB, VA, he awarded all electrical, heating, ventilation and air conditioning subcontract work to Eastern, a company in which he was the managing partner. The Norfolk RA conducted the investigation with the FBI and the Air Force Office of Special Investigations (AFOSI), with audit assistance from the Defense Contract Audit Agency (DCAA).

Harboring a Fugitive

April Dee Daley pled guilty to harboring and concealing a fugitive, Richard Roland Alford. Alford, Daley's boyfriend, previously indicted for wire and mail fraud, credit card fraud, misuse of an official Government seal and impersonating a Federal agent, is a fugitive. Daley concealed Alford's location and prevented his arrest on the above charges. The Long Beach RA conducted the investigation.

Theft

Steven Lee Gillam, Woodbridge, VA, pled guilty to theft of Government property. In

1998, Gillam stole a high-end Sony DVR-20 composite video recorder, valued at \$40,000, from the Defense Reutilization and Marketing Office (DRMO), Fort Belvoir, VA. The DRMOs, which are located at various U.S. military installations throughout the world, facilitate the reutilization or public sale of excess DoD property. Gillam, a regular participant in public auctions of DoD property since 1997, stole the Sony DVR-20 composite video recorder when he came to the DRMO-Fort Belvoir to pick up other property he had purchased. The Washington FO conducted the investigation jointly with the FBI.

Health Care Fraud

Lannes Neil Johnson pled guilty to conspiring to submit false claims to the Government. An investigation disclosed Johnson, former laboratory manager of Mid America Clinical Laboratories, conspired to submit false claims in connection with the receipt of over \$200,000 from the HHS and the DoD. Johnson submitted claims for the Medicare Program and TRICARE beneficiaries requesting payment of clinical laboratory services that were not ordered or were billed as component elements of chemistry tests, panels or profiles. The Central FO conducted the investigation with the HHS and U.S. Postal Inspection Service, with audit support from the Health Care Finance Administration.

Bribery

Vincent Busch, former sales representative for G&S Marketing, Incorporated (G&S), Three Oaks, MI, pled guilty to one count of conspiracy to bribe a public official. From January 1991 to October 1994, Busch, who resides in Red Bank, NJ, paid approximately \$8,067 in bribes to Henry Gaiters, former Meat Department manager at the McGuire AFB Commissary. In exchange for the bribes, G&S, which operates as a meat brokerage company, was enabled by Gaiters to continually sell meat to the McGuire AFB Commissary and receive other favored treatment in the Commissary. Several individuals have already pled guilty and been sentenced as a result of this investigation. The New Jersey RA conducted the investigation with the FBI, the IRS and the AFOSI.

Identification Card

Lorenza Donnell II pled guilty to unlawful possession of a fraudulent United States Armed Forces Geneva Convention Identification Card. North Carolina State Alcohol Law Enforcement agents apprehended Donnell in May 1998 for possessing an extraordinary looking U.S. Army identification (I.D.) card. The case was referred to DCIS since it involved a military I.D. card. Donnell was interviewed and confessed to purchasing the counterfeit U.S. Army I.D. card for \$50. An investigation determined the

source of the counterfeit card and the manufacturer was prosecuted as well. The Chapel Hill RA conducted the investigation.

Sentences

Health Care Fraud

Samuel M. Green, M.D., was sentenced in U.S. District Court, Alexandria, VA, to 27 months incarceration, 36 months supervised probation, to pay \$1,423,944 in restitution, and a \$100 special assessment. Green previously pled guilty to one count of conspiracy in connection with his operation of Green Medical Center (GMC), Vienna, VA. As part of a plea agreement, the Government moved for and the court granted the dismissal of all counts of the indictment against Bonnie Green, Dr. Green's spouse. Dr. Green is a health care provider for TRICARE and other private insurance companies. Dr. Green's clinic specialized in preventive medicine, specifically weight loss treatment for his patients. Bonnie Green worked as the GMC office manager and also provided medical services to patients. An investigation found GMC submitted claims to insurance companies, including TRICARE, that concealed the nature of Dr. Green's practice. It was also determined GMC billed for procedures or tests that were not performed, or were performed less expensively than those charged and billed for psychotherapy ses-

sions performed by unlicensed members of the GMC staff. The Mid-Atlantic FO conducted the investigation jointly with the FBI and the Office of Personnel Management.

Performance Bonds

James O'Leary, president, Emerald Financial Services, Phoenix, AZ, was sentenced to 3 years probation, \$1,225 in restitution, a \$100 special assessment fee and not allowed to conduct Government contract work while on probation. O'Leary previously pled guilty to one count of making a false statement to the Government. An investigation disclosed O'Leary submitted, and/or caused to be submitted, false statements in support of bid, payment and performance bonds for construction contracts on DoD military installations throughout the country. The U.S. Army has debarred O'Leary and Emerald Financial Services from doing business with the DoD. The Phoenix RA conducted the investigation with the U.S. Army Criminal Investigation Command (USACIDC) and the AFOSI.



Product Substitution

Intex, Incorporated (Intex), Freeport, NY, pled guilty to a one-count information filed in U.S. District Court, Columbus, OH, charging Intex with

making false statements. Intex waived a presentence investigation and was sentenced to pay a \$16,000 fine, restitution of \$5,863.72 to the DoD and a \$200 special assessment. An investigation, resulting from Operation Broken Circuit, determined Intex supplied nonconforming critical application electronic components to Semtex Industrial Corporation (Semtex), Dayton, OH. Semtex then sold the components to the now defunct Defense Electronics Supply Center, Dayton, OH, under a 1992 contract with the Defense Logistics Agency (DLA). These electronic components are typically used in major weapon system platforms such as the *Franklin* class submarines, the F-4 Phantom ground support equipment, the *Los Angeles* and *Sturgeon* class submarines, the F-14 Tomcat and F-4 Phantom aircraft, and the *Virginia* and *Leahy* class cruisers. Intex defrauded the DoD in that they caused Semtex to falsely label and package the parts to make them appear to meet the required specifications. Specifically, the electrical components did not meet the minimum lead length requirements specified in the contract. The monetary loss to the Government was approximately \$5,864. The Dayton RA conducted the investigation with the FBI.

Health Care Fraud

Dr. Mark Hoffman and Jayne Hoffman, his spouse,

were sentenced for submitting false statements. Dr. Hoffman was sentenced to 24 months incarceration, 24 months supervised probation, \$739,694 in restitution, a \$150,000 fine and a \$100 special assessment. Jayne Hoffman was sentenced to 6 months home confinement, 24 months supervised probation, \$115,026.89 in restitution, a \$100,000 fine, 500 hours of community service and a \$100 special assessment. The Hoffmans operated the Rockdale Orthopedic Center, Conyers, GA, from 1990 to 1998. Dr. Hoffman was the orthopedic surgeon on staff, while Jayne Hoffman assisted him by serving as a nurse and office manager. Jayne Hoffman was responsible for submitting the medical bills to the various carriers. The Hoffmans repeatedly submitted claims for services not provided, upcoded procedure codes, unbundled procedure codes, duplicated billings, and then submitted the claims to Blue Cross/Blue Shield and Cahaba GBA for payment by Medicare, Medicaid, TRICARE and other programs. Audits revealed Rockdale Orthopedic Center fraudulently overbilled approximately \$739,000 or 29 percent of all claims submitted. The Southeast FO conducted the investigation with the FBI.

Product Substitution

Secom Electronics Corporation (Secom), Burlington, NJ, and Emil Stern, its presi-

dent, were sentenced for mail fraud. Secom was sentenced to 1 year's probation and \$87,000 in fines and restitution. Stern was sentenced to 3 months at a halfway house, 3 months home confinement, and \$2,200 in fines and restitution. Secom provided numerous nonconforming, system critical electronic components to the DoD and commercial contractors. The components supplied to the DoD were purchased for such critical weapon systems as the Tomahawk Cruise missile, Phalanx close-in support weapon, C-17 aircraft, and the H-60 anti-submarine warfare and search and rescue helicopters. It was determined the electronic components supplied by Secom were surplus, used, remanufactured or re-marked parts and not the required Government specification new parts. The failure of these electronic components could have caused failure of a weapon system, although no field failures were identified. A safety alert was issued to notify potential users of problems with the parts. The Northeast FO conducted the investigation jointly with the FBI and the Department of Transportation.



Product Substitution

David M. Mitchell, co-owner and president of Campbell M.

Industries, Incorporated (CMI), Stockton, CA was sentenced to 42 months confinement, followed by 36 months probation, ordered to pay \$276,969 in restitution to the DoD and to pay a \$4,100 special assessment. An investigation disclosed Mitchell fraudulently provided surplus aircraft parts on 21 DoD small purchase contracts and portrayed the surplus parts as new. Mitchell received the contract awards based on his electronically submitted bids and false certifications that he provided factory-new, non-surplus parts. Mitchell's scheme included directing his employees to fill the purchase orders with surplus parts located on the Inventory Locator Service, having the parts repackaged, falsifying documentation about the origin of the parts, and then shipping the parts via United Parcel Service to the required DoD delivery point. An examination of the 21 small purchase orders awarded to CMI revealed Mitchell supplied surplus parts rather than factory-new, non-surplus parts in every instance. The total cost to the DoD exceeded \$275,000. The San Francisco RA conducted the investigation with the FBI.

Failure to Pay

Issac Geist, who resides in Toronto, Canada, pled guilty to one count of criminal mischief on behalf of the Mr. Surplus Corporation, Buffalo, NY. The corporation was fined \$10,000 and given 90 days to

pay the fine. The Crown Prosecutor withdrew criminal charges against Geist, as part of the plea, which was entered in Newmarket, Ontario Provincial Court, Ontario, Canada. An investigation disclosed that Geist, a contractor debarred from conducting business with the DoD, established several shell companies in Buffalo, NY, enabling him to continue purchasing material from the DoD during his debarment. Geist was debarred for failing to pay the DoD for excess property he previously purchased. The Syracuse RA conducted the investigation with the Royal Canadian Mounted Police.

Civil Settlements

Discount Scheme

Baker & Taylor, Incorporated (B&T), Charlotte, NC, agreed to pay the Government \$3 million in an out of court civil settlement. B&T, a nationwide book wholesaler and distributor, devised a scheme to defraud its customers by deliberately overcharging for "trade books" and by manipulating discount levels in ways inconsistent with its contractual obligations. B&T negotiated master pricing contracts in which it agreed to sell certain categories of books at specified discounts from the publisher's suggested retail price. B&T knew at the time it entered into these contracts with the U.S. Government, State schools, and public libraries, that the representations and

promises it made about the level of discount its customers would receive were false. The scheme was carried out by systematically miscategorizing certain trade books as non-trade books, subject only to "short or net discounts." The Chapel Hill RA conducted the investigation with audit support from the DCAA.

Failure to Test

RGA Labs, Incorporated (RGA), Torrance, CA, pled guilty to two counts of making false statements to the National Aeronautics and Space Administration (NASA) and one count of making false statements to the DoD. In conjunction with the guilty plea, a civil settlement was filed wherein RGA agreed to pay \$1.2 million in civil fines and penalties. These are in addition to the global resolution plea agreement in which RGA agreed to pay a \$400,000 criminal fine. The RGA specializes in testing electronic components, such as semiconductors and integrated circuits, to strict environmental, mechanical and electronic operational requirements. The testing ensures the components meet Government quality requirements for high reliability applications such as military weapon systems and space application hardware. An investigation disclosed RGA falsely certified required testing had been performed when, in fact, testing was performed improperly or not at all. In many in-

stances, RGA's test equipment was broken or the equipment did not exist to perform the testing. In addition, RGA certified parts that had failed previous testing. Test data was then falsified to either pass parts that had failed testing or to make it appear the testing had been properly performed. A Safety Alert and Government-Industry Data Exchange Program alert were previously issued to notify affected programs of potential safety issues. The programs affected include the NASA Space Station, the Navy TACAN [Tactical Aid for Control and Navigation] system, the Air Force Titan launch vehicle, the B-1 bomber, the C-130 aircraft and the Defense Supply Center-Columbus. The Western FO conducted the investigation with NASA and the DLA Defense Contract Management Command.

Cost Mischarging

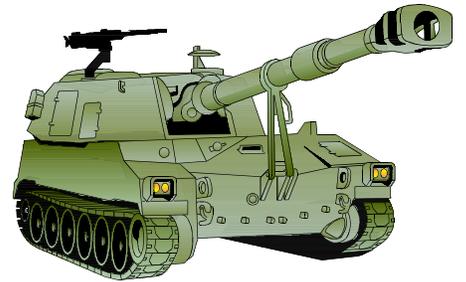
A civil settlement was reached between the Northrop Grumman Corporation (Northrop) and a *qui tam* relator and the Government that will cause the company to pay \$175,000 for violations of the False Claims Act. Northrop will pay the amount in full within seven business days from the effective date of the agreement. The Government will pay the *qui tam* relator \$29,750. Northrop is released from further civil action or penalty relating to the matter. An investigation determined Northrop's Military

Aircraft Division, Field Support Office, Norfolk, VA, improperly charged labor and administrative costs on several U.S. Navy aircraft maintenance contracts with a value exceeding \$10 million. The Norfolk RA conducted the investigation with the NCIS and with audit assistance from the DCAA.

Health Care Fraud

VNA Plus, a durable medical equipment (DME) provider under the Medicare and TRICARE insurance programs, signed a civil settlement agreement with the Government to pay \$1.2 million in restitution for claims that included double billing, billing for services not rendered and altered billing. A Government audit discovered billing irregularities. An investigation then determined VNA Plus submitted DME claims after patients using the DME had died, or after the equipment had been returned to VNA Plus; submitted claims for equipment covered by Medicare/TRICARE, when patients were actually provided types of DME that were not covered by the insurance plans; falsified claim information describing where the DME was provided to obtain coverage for services not covered by the insurance plans; and repeatedly billed Medicare/TRICARE for DME without having the required documentation on file. VNA Plus cooperated with the Government investigation and agreed to implement a corporate integrity program that will

ensure future compliance with Medicare billing regulations. The Sacramento POD conducted the investigation jointly with the HHS.



Failure to Test

Harsco Corporation, York, PA, under terms of a negotiated settlement, will pay the Government \$11 million to settle a civil action under the False Claims Act concerning its former BMY Division. Harsco sold BMY in 1997. In 1992, the Government entered into civil litigation regarding a U.S. Army contract with BMY to manufacture 305 M109-A2 self-propelled howitzers. The Government contended BMY failed to live up to the inspection requirements in the contract by failing to conduct the proper amount and frequency of testing to detect any structural flaws. The Army required this testing to ensure, like an insurance policy, the howitzers would perform under combat conditions. The BMY failure to properly test the howitzers caused the Army to conduct a recall to ensure the structural integrity of the howitzers. The resulting damage to the Army exceeded \$5 million. The Northeast FO conducted the investigation.



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