

Crime Awareness Newsletter

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



Retirement Benefits

An indictment was returned in U.S. District Court, Los Angeles, CA, charging Judith A. Lazear with 17 counts of theft and embezzlement and 3 counts of submitting a false statement to an agency of the United States. An investigation disclosed Lazear allegedly continued to receive Federal retirement benefits destined for George E. Thomas, a former U.S. Marine Corps veteran, for eight years after Thomas' death. The funds were electronically deposited into a bank account established as a trust for Thomas and held jointly by Lazear, his daughter. Lazear allegedly failed to notify the Government of Thomas' death in 1990, then received and converted to her own use over \$100,000 received from the Defense Finance and Accounting Service (DFAS) through mid 1998. Lazear also signed and submitted certificates of eligibility to DFAS on behalf of Thomas as late as 1997, thus contributing to the belief Thomas was still living. The investigation further disclosed Lazear was previously arrested in 1997 by the Los Angeles, CA, Police Department (LAPD) for stealing over \$80,000. According to LAPD records, Lazear illegally re-

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Indictments

Product Substitution

Indictments were returned against Thomas Coffee, Naomi Coffee, Bradley Coffee, Jeramy Coffee and The Centerville Marketing Group (TCMG). Each was indicted on 10 counts of alleged illegal conduct involving conspiracy, mail fraud, wire fraud, trafficking in counterfeit parts, and aiding and abetting. The Coffees and TCMG allegedly conspired to sell avionics antennae represented as being overhauled by a Federal Aviation Administration (FAA) authorized repair station in accordance with the manufacturer's instructions, some of which were eventually resold to the Department of de-

fense (DoD). An investigation revealed that all repairs were actually performed by TCMG, which is not an authorized FAA repair station. Among the "overhauled" antennae were antennae for which no overhaul procedure exists. It is further alleged that TCMG and the Coffees conspired to sell obsolete avionics antennae by falsely representing the antennae to be the latest model. The antennae sold by TCMG have applications on commercial and military aircraft. The direct financial impact on the DoD has not yet been determined. The Northeast Field Office (FO) is conducting the investigation jointly with the Federal Bureau of Investigation (FBI) and the Department of Transportation (DOT).



ceived her father's retirement checks from the LAPD, also via electronic wire transfers, for about seven years after Thomas died. The LAPD retirement funds were to cease immediately on Thomas' death. Lazear received probation for that offense and is currently making restitution payments to repay those funds. The Western FO is conducting the investigation with investigative support from the DFAS "Operation Mongoose" and the Defense Manpower Data Center.

Larceny

Edmund G. Drew was arrested in connection with the issuance of a felony warrant based on a complaint filed by the Riverside County District Attorney's Office. The complaint charges Drew with nine counts of grand theft and three counts of burglary. This is the second arrest of Drew, a former sergeant in the California Air National Guard (CANG). He was first apprehended in May 1999, as a result of search warrants executed during a joint investigation into allegations Drew stole thousands of dollars worth of U.S. military equipment from the March Air Reserve Base (MARB), Moreno Valley, CA. A large quantity of items previously identified as having been stolen from the MARB was seized during execution of the warrants, in addition to other items possibly stolen from private companies. During a voluntary

interview after his arrest in May 1999, Drew admitted stealing approximately \$50,000 worth of military property from the MARB over the previous year. Many of those thefts occurred after he was discharged from the CANG in October 1998. The Western FO is conducting the investigation jointly with the Detective Bureau of the Riverside County Sheriff's Office and the Air Force Office of Special Investigations (AFOSI).



Illegal Commissions

A three-count criminal information was filed against Litton Applied Technology Division and Litton Systems Canada, Ltd., for conspiracy to defraud the U.S. Government and to impede the lawful functions of agencies of the United States; causing a false statement to be made to the United States and mail fraud. Litton allegedly failed to disclose the use of foreign sales representatives who received prohibited commissions on the sale of Litton Defense articles. The information identified \$16 million in alleged prohibited commission payments charged by Litton on foreign military sales (FMS) and foreign military

funded (FMF) contracts to Taiwan and Greece. In accordance with a plea agreement between the U.S. Attorney and Litton Industries, Incorporated, Litton agreed to plead to the three criminal counts, pay \$16.5 million in criminal fines and \$2 million in investigative costs. This criminal settlement is the largest in the history of the Central District of California. The Civil Division will attempt to recover the \$16 million in prohibited commissions charged to FMS and FMF contracts by Litton. The Long Beach RA conducted the investigation jointly with the Internal Revenue Service (IRS), the FBI and the Naval Criminal Investigative Service (NCIS).

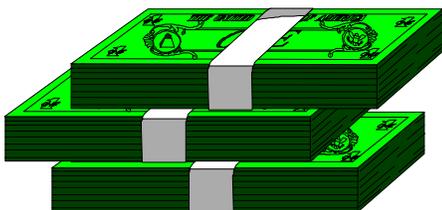
Kickbacks

William Harrell, president, San Diego Marine Piping, Incorporated, pled guilty on behalf of the company and himself to conspiracy and paying kickbacks on Government contracts. An investigation disclosed Harrell paid kickbacks to Loyd Dean Stanley, former employee of Pacific Ship Repair and Fabrication, Incorporated, San Diego, CA, in order for San Diego Marine and Piping to receive subcontracts aboard U.S. Navy ships. The San Diego RA conducted the investigation.

Health Care

Luis Felix Hidalgo Martinez (also known as Luis Hidalgo and Felix Hidalgo), McAllen,

TX, pled guilty to one count of mail fraud. Using the names Luis Hidalgo, M.D., and Felix Hidalgo, M.D., Hidalgo, a Mexican national not licensed to practice medicine in Texas, submitted numerous false claims to the Tricare Management Activity (TMA) and to other private insurance companies throughout the United States. The claims, which ranged from \$1,250 to \$4,500 and were filed under the same false Social Security Number, reported Hidalgo had provided medical services to a number of patients located primarily in Florida. When interviewed, those patients reported never having met Hidalgo and never having received medical services from him. To further the scheme, Hidalgo set up various "mail drops" and received payments at those locations in the form of checks and drafts from the various insurance companies. He subsequently withdrew monies from those banks, either in cash or by electronic means (automated teller machines), from Mexico. The San Antonio Post of Duty (POD) conducted the investigation jointly with the U.S. Postal Inspection Service and the Texas Department of Insurance.



Extortion

Dennis Seiler, Dana Point, CA, pled guilty to one count of extortion. Seiler is a former non-destructive test (NDT) engineer for Votaw Precision Technologies (Votaw), Santa Fe Springs, CA. In late 1998, Seiler contacted the DCIS and claimed to have documentation about improper NDT inspections by Votaw regarding the U.S. Air Force Titan Launch Vehicle. Seiler met with DCIS agents and claimed to have three boxes of documents to support his allegations. On December 10, 1998, Seiler contacted Votaw officials and claimed to be working with the DCIS on an investigation into improper NDT inspections by Votaw on the Titan Launch Vehicle. Seiler told Votaw management he was capable of "derailing the investigation" and would do so if Votaw paid him six months salary (\$28,000). He also agreed to give the three boxes of documents to Votaw in exchange for the money. On December 14, 1998, a DCIS agent, posing as a Votaw employee, met with Seiler to receive the alleged documents in exchange for the \$28,000. The exchange was made, Seiler was arrested and has been in custody, being held without bail, since the arrest. The West-

ern FO conducted the investigation.

Excise Tax Evasion

Frank Smithhart pled guilty to one count of conspiring to defraud the U.S. Government. Between February 1995 and January 1998, Smithhart participated in a conspiracy that included the purchase of large quantities of untaxed surplus military jet fuel and other surplus military fuels (approximately 500,000 gallons) from various DoD military installations in and around Los Angeles and San Diego, CA. The conspirators falsely represented to U.S. military contractors that the surplus fuels would be sold to non-retail companies for recycling and refining, then sold the untaxed surplus fuels to various retail stations as motor fuel and falsely represented that all taxes on the fuel had been paid. The conspiracy further included creating fraudulent delivery tickets, invoices and other documents that did not reflect the true contents, origin and destination of the fuel, as well as failing to report the collected motor fuel excise taxes to state and Federal revenue authorities, as required by law. The San Diego A conducted the investigation jointly with the IRS.

Contract Fraud

William C. Strothers, former owner/general manager, Harris McKenzie Corporation (HMC), Pittsburgh, PA, pled

guilty to one count of providing a false statement to the DoD. In May 1994, Strothers was charged with falsely representing and certifying HMC as a manufacturer of sugar products on three Defense Personnel Support Center (DPSC), Philadelphia, PA, contracts totaling approximately \$683,000. The DPSC, since renamed the Defense Supply Center Philadelphia, is a major contracting authority for the DoD. Strothers certified HMC as a small disadvantaged business (SDB) and a "newly entering manufacturer" enabling HMC to receive a 10 percent evaluation preference for the awarding of contracts. Under contractual regulations, businesses bidding for supplies as a SDB must perform work for at least 50 percent of the cost of manufacturing the supplies, not including the cost of the materials. In response to a DPSC solicitation for 92,160 bags of granulated sugar, totaling \$345,600, Strothers represented that HMC would perform on this contract at a facility in Union City, IN. Actually, Strothers knew another business in another place would perform on this contract. Strothers defrauded the DoD by establishing HMC as a "front" company for the purposes of obtaining contracts that were set-aside for SDBs. From May 24, 1994 until April 27, 1999, Strothers evaded arrest. On April 27, 1999, Strothers was located and ar-

rested by agents of the DCIS and the U.S. Marshals Service. The Pittsburgh POD conducted the investigation with the U.S. Marshals Service.

Diversion of Funds

John H. Matherly, president of The Enfield Corporation, pled guilty in U.S. District Court, Savannah, GA, to mail fraud and making a false statement. An investigation disclosed Matherly submitted claims in connection with the receipt of over \$188,000 while performing on contracts for the DoD, the U.S. Department of Agriculture (USDA) Forest Service and the South Carolina Air National Guard. Matherly falsely certified to the Government that he was using these funds to pay subcontractors and suppliers when, instead, he diverted the Government money for his own private gain. The Jacksonville POD conducted the investigation with the U.S. Army Criminal Investigations Command (USACIDC) and the NCIS.



Sentences

Data Theft

DeLorme Publishing Company, Incorporated, doing business as DeLorme Mapping, pled guilty in U.S. District Court, Fayetteville, NC, to submitting false statements to the DoD. Subsequent to acceptance of the plea, DeLorme Mapping was sentenced to pay an \$80,000 fine and \$700,000 in civil damages. Between 1987 and 1996, DeLorme Mapping had various contracts with DoD components. Between 1987 and 1991, DeLorme Mapping received Defense Mapping Agency (DMA) sensitive digital data products, including Digital Terrain Elevation Data (DTED), as Government Furnished Material for use in completing the various contracts. These various DoD contracts funded the development of data sets for Korea and the Persian Gulf region, using the DTED. The DTED is a limited distribution software product controlled by the National Imagery and Mapping Agency (NIMA). Between 1990 and 1996, DeLorme Mapping made 36 sales involving data sets containing the DMA DTED. These transactions involved various DoD components, the intelligence community, and the Department of Energy contractors. Attendant to many of those transactions were DeLorme Mapping licensing agreements that misrepresented the nature and

ownership of the DTED contained in some of the data sets sold by DeLorme Mapping. DeLorme Mapping's plea was based on false statements within DeLorme Mapping's software licensing agreement under contract F33600-92-C-0217. This contract paid for supplies and services that included CD-ROM data sets of the Persian Gulf region and Korea. The Persian Gulf and Korea data sets were developed under prior DoD contracts, and incorporated DMA DTED. DeLorme Mapping misrepresented the development and ownership of the DTED contained in DeLorme Mapping License Agreement 1-143 dated July 9, 1992. This software was purchased for the Special Operations Forces Command located at Fort Bragg, NC. The Mid-Atlantic FO conducted the investigation with assistance from the NIMA Office of General Counsel.



Relocation Expenses

Sheryl A. Darling, Sarasota, FL, was sentenced in U.S. District Court, Alexandria, VA, to 4 months home confinement (with electronic monitoring), 2 years supervised probation and to pay \$15,266.40 in restitution. Darling previously pled guilty to making false claims to the U.S. Government. Darling, a former instructional systems special-

ist at the Defense Information School, Fort Meade, MD, submitted false claims in connection with her permanent change of duty station relocation from Fort Benjamin Harrison, IN, to Fort Meade, MD. Those claims subsequently resulted in the receipt of \$15,266.40 in fraudulent travel payments. Darling retired from her Government position in October 1996. The Mid-Atlantic FO conducted the investigation.

Conflict of Interest

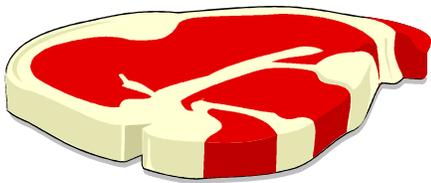
Carl William Kruse, Jr., a general partner in Eastern Electric Company (Eastern), Hampton, VA, was sentenced to 24 months incarceration, followed by 3 years supervised probation; ordered to pay \$544,560 in restitution, a \$25,000 fine and a \$200 special assessment fee for one count each of providing kickbacks and gratuities. Starting in early 1992 and continuing through late 1997, Kruse made approximately 57 monetary payments totaling \$544,560 and two noninterest bearing loans totaling \$240,000 to an officer of Systems Engineering & Energy Management Associates, Incorporated (SEEMA), Hampton, VA. In return, Kruse received favorable treatment in connection with subcontracts for Eastern relating to prime contracts entered into between SEEMA and the Government. While acting as the project manager for SEEMA on the Simplified Acquisition

of Base Engineering Requirements (SABER) contract at Langley Air Force Base (AFB), VA, Kruse awarded all electrical subcontract work, as well as heating, ventilation and air conditioning subcontract work, to Eastern, a company in which he was a partner. Kruse also provided gratuities to a Government official in charge of supervising the SABER contracts. Those gratuities, valued between \$10,000 and \$20,000, included the installation of three central air conditioning and heating units at two properties owned by the Government official, a jet ski and jet ski trailer. The Norfolk RA conducted the investigation with the FBI and the AFOSI, with audit assistance from the Defense Contract Audit Agency (DCAA).

Relocation Expenses

Abigail Evangeline Greene, a management analyst for the Defense Logistics Information Service (DLIS), Battle Creek, MI, was sentenced to 17 weeks home detention, 12 months probation, to pay restitution of \$4,820, a \$1,000 fine and \$300 in special assessments. Greene was previously convicted on three counts involving false claims, mail fraud and making a false statement to a Federal agent. In May 1997, Greene transferred from the U.S. Army Tank and Automotive Command, Warren, MI, to DLIS. She subsequently filed for relocation reimbursement ex-

penses of approximately \$5,000 with DFAS, St. Louis, MO, claiming her spouse and their two children had contemporaneously accompanied her in the relocation. The investigation determined Greene's family members did not join her in Battle Creek, MI, until weeks later. In addition, at various times throughout her temporary quarters subsistence expense period, Greene checked out of her subsistence lodging and returned to a previous residence in Detroit, MI, for overnight stays. Greene then claimed she had continued her lodging and submitted claims for Government reimbursement. The Chicago POD conducted the investigation.

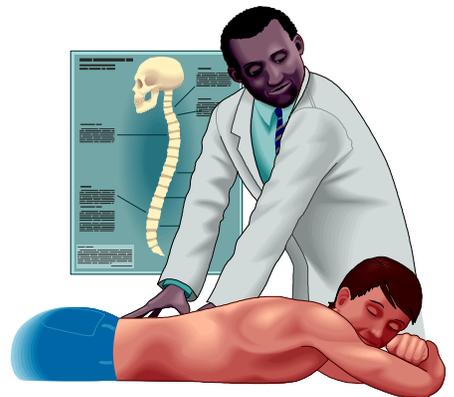


Kickbacks

Lawrence Lipoff and Steven Lipoff, owners of Butler Foods (Butler), a meat distribution company in Philadelphia, PA, were sentenced as a result of a kickback scheme relating to the sale of meat products. Lawrence Lipoff was sentenced to 1 year of home confinement, 5 years probation, a \$10,000 fine and a \$2,000 special assessment. Steven Lipoff was sentenced to 60 days imprisonment, 5 years probation, a \$10,000 fine and a \$2,000 special as-

essment. The Lipoffs previously pled guilty to 1 count of conspiracy to defraud the United States, 3 counts of filing a false tax return, 25 counts of mail fraud, 10 counts of bribery of a public official, and 1 count of sale of misbranded meat. In a related case, David Choroser, Rydal, PA, was sentenced to 2 years probation and to pay a \$75 special assessment for selling misbranded meats and filing false tax returns. Choroser was involved in several schemes along with his brothers-in-law and co-owners of Butler, the Lipoffs. The Lipoffs devised a scheme in which they paid bribes to Government officials and kickbacks to commercial customers in exchange for the purchase of meat from Butler. Specifically, the Lipoffs paid \$.05 to Henry Gaiters, former meat manager of McGuire AFB Commissary, for every pound of meat purchased from Butler. The expense was recovered by inflating the price charged for the product, which increased the cost to the Government. The contract value of meat purchased by McGuire AFB from Butler from 1992 to 1995 totaled approximately \$6 million. From 1989 to 1995, the monthly bribe payments to Gaiters averaged about \$2,500. The Lipoffs also paid bribes to Frank McNamee, Gaiters' replacement as meat manager at McGuire AFB Commissary. McNamee was paid \$.03 per

pound of meat purchased from Butler. From September 1995 to December 1995, McNamee received bribes totaling \$3,643. In addition, between 1992 and 1995, kickbacks of \$111,000 were paid to five Thriftway Supermarket meat managers. The Lipoffs also paid cash salaries to themselves and a number of Butler's employees, to include Choroser. These cash salaries were not reported on tax returns filed with the IRS. The Lipoffs and Choroser also knowingly relabeled low-grade meat and sold it as higher grade meat to attain a higher profit from the sale. The Northeast FO conducted the investigation jointly with the FBI, the IRS and the USDA.



Worker's Compensation

Albert L. Asrouch, Jr., Minneapolis, MN, was sentenced to 6 months confinement, 5 years probation and ordered to pay \$59,816 in restitution and a \$100 special assessment fee. Asrouch previously pled guilty to submitting false statements to the Government. Asrouch, a former em-

ployee of the U.S. Air Force Reserves, 934 Tactical Air Group, Minneapolis, MN, also agreed to forfeit any entitlement to further Federal employee compensation. As the result of a reported lower back injury, Asrouch received Federal Employees Compensation Act (FECA) benefits. On three occasions, Asrouch submitted false certifications to the Department of Labor to receive FECA Office of Workers' Compensation Program (OWCP) benefits. Between September 1993 and April 1997, Asrouch received over \$81,331 in tax-free benefits. During this time, Asrouch certified he had not been involved in any business enterprise, but an investigation revealed Asrouch had been actively involved in a family-owned snowplowing business since 1993. OWCP beneficiaries are required to report any kind of employment and/or changes in their health. The projected lifetime savings to the Department of the Air Force could have exceeded \$1,245,409 if Asrouch had remained on the OWCP periodic rolls for the next 25 years to age 70. In January 1999, Asrouch agreed to pay the United States a \$2,000 civil settlement. The Minneapolis POD conducted the investigation.

Civil Settlements

Falsified Tests

A civil settlement was reached between ACS Sys-

tems and Engineering, Incorporated (ACS), Virginia Beach, VA, and the Government wherein ACS will pay a total of \$40,000 for alleged violations of the False Claims Act. The settlement resolves ACS' potential civil liability, without admitting to the allegations. An investigation determined ACS allegedly submitted false claims for payment under a U.S. Navy contract that were based on false test reports for defective fiber optic cable installed by the company at Fort Gordon, GA, and Fort Eustis, VA. The fiber optic cable was to be used by the U.S. Army to upgrade its Sustained Base Information System. The ACS also allegedly mischarged indirect labor as direct labor for a clerk typist under the contract about the November 1994 and May 1995 timeframe. The Norfolk RA conducted the investigation with the NCIS and with DCAA audit assistance.

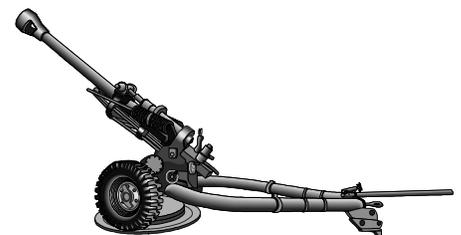
Health Care

Deborah Kay Howard, Battle Creek, MI, entered into a consent judgment with the U.S. Attorney's Office, Western District of Michigan, Grand Rapids, and will pay \$5,511 relating to false claims she submitted to TRICARE/CHAMPUS. On April 24, 1995, Howard divorced her spouse, Kim A. Howard, a retired U.S. Navy veteran, ceasing her entitlement to TRICARE/CHAMPUS benefits. From April 24, 1995

through June 15, 1996, Howard falsely certified she was the spouse of Kim Howard and submitted, or caused the submission of 29 TRICARE/CHAMPUS reimbursement claims for medical services she received. The Chicago POD conducted the investigation.

Falsified Costs

Duroyd Manufacturing Company, Incorporated (Duroyd), and John Pimentel, former president of Duroyd, were found civilly liable for statutory and nonstatutory damages of \$640,983.72. In May 1987, Duroyd and Pimentel were convicted of knowingly providing false subcontracting costs when negotiating a 1982 fixed price U.S. Army contract, then subsequently submitting false and fraudulent documentation to the Government to cover up the initial fraud. As a result of that conviction, Duroyd was fined \$70,000 and Pimentel was sentenced to 3 years imprisonment. The contract awarded to Duroyd was for the manufacture of metallic and nonmetallic hardware kits for the 155mm ADAM artillery shell. The New York Resident Agency (RA) conducted the investigation.





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

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

Tucson, AZ
Comm: (520) 620-7390
Telefax: (520) 620-7388
E-Mail: 30tc@dodig.osd.mil

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

