



DEPARTMENT OF THE ARMY
U. S. ARMY CRIMINAL INVESTIGATION COMMAND
6010 6TH STREET
FORT BELVOIR, VIRGINIA 22060-5506

REPLY TO
ATTENTION OF

FEB 16 2007

U.S. Army Crime Records Center
(FA07-0379)

Ms. Mary Schantag
P.O.W. Network
Box 68
Skidmore, MO 64487-0068

Dear Ms. Schantag:

This is in further response to your request for release of information from the files of the U.S. Army Criminal Investigation Command (USACIDC). This supplements our response of December 13, 2006.

The marked paragraph(s) of this letter provide explanation concerning your request:

- The enclosed documents, 05-CID034-28866-7F, responsive to your request are a part of a system of records exempt from the mandatory access provisions of the Privacy Act (PA) and the mandatory disclosure provisions of the Freedom of Information Act (FOIA). The names of law enforcement personnel, as well as names, social security numbers, and other personal items of information pertaining to third parties may have been withheld. The removal of this information constitutes a partial denial pursuant to Title 5, USC, Section 552a, Exemption (j)(2) of the PA and Title 5, USC, Section 552, Exemptions (b)(6) and (b)(7)(C) of the FOIA, because release could violate the personal privacy of other individuals mentioned in the report(s). Exemption (b)(2) applies to withholding of the identification numbers of special agents. (See attached appeal instructions.)
- Portions of the report(s) did not originate with this agency. The USACIDC is not the release authority for the documents in question. Your request and the documents have been referred to the (government agency or organization) for release determination and a direct reply to you.
- Portions of the report(s) originated with a civilian agency. The USACIDC is not the release authority for these documents. You may wish to write to the (civilian agency or organization) for that information.
- Coordination is being conducted with our field element(s) to obtain additional information responsive to your request. Upon receipt of any additional information you will be provided with a follow-up response.
- The documents that were enclosed with your request have been reviewed and are returned for your use in resolving the issue with the subject of your inquiry. The names of law enforcement personnel, as well as names, social security numbers, and other personal items of information pertaining to third parties have been withheld pursuant to the Privacy Act, Title 5, USC, Section 552a, Exemption (j)(2), and the Freedom of Information Act (FOIA), Title 5, USC, Section 552, Exemptions (b)(6) and (b)(7)(C). Exemption (b)(2) of the FOIA applies to withholding of the identification numbers of special agents. You may release a copy of the report(s) to the subject of your inquiry.
- A copy of this letter was provided to the U.S. Army Intelligence and Security Command, (referral #).

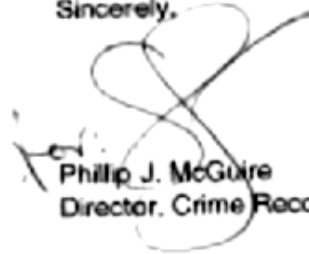


Other:

Questions regarding this action should be addressed in writing to the address shown on the letterhead.

I trust this will be of assistance to you.

Sincerely,



Philip J. McGuire
Director, Crime Records Center

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Fort Hood CID Office
6th Military Police Group, USACIDC, P.O. Box V, Fort Hood, Texas 76544-0740

22 Sep 2006

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/REFERRED/SSI/JOINT -
0874-2005-CID034-28866 - 7F2A1 / 5G2B / 5M3A / 5M2 / 5J4B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 08 SEP 2005, 1300; UNKNOWN LOCATION

DATE/TIME REPORTED: 08 NOV 2005, 0732

INVESTIGATED BY:

SUBJECT:

[REDACTED]

[THEFT OF PUBLIC MONEY, PROPERTY, OR RECORDS], [POSSESSION OF FALSE PAPERS TO DEFRAUD THE UNITED STATES], [FALSE STATEMENTS OR ENTRIES GENERALLY], [DEMANDS AGAINST THE UNITED STATES], [UNAUTHORIZED RIBBONS OR MEDALS]

VICTIM:

1. U.S. GOVERNMENT; VETERANS AFFAIRS; 810 VERMONT AVENUE NW, WASHINGTON, DC 20420; [THEFT OF PUBLIC MONEY, PROPERTY, OR RECORDS], [POSSESSION OF FALSE PAPERS TO DEFRAUD THE UNITED STATES], [FALSE STATEMENTS OR ENTRIES GENERALLY], [DEMANDS AGAINST THE UNITED STATES], [UNAUTHORIZED RIBBONS OR MEDALS]

INVESTIGATIVE SUMMARY:

On 8 Nov 05, this office received a Request For Investigation (RFI) from HQ, U.S. Army Criminal Investigation Command (USACIDC), regarding allegations that [REDACTED]

1

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

b2, b6, 7c

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

falsified his military records to reflect he was a Prisoner of War (POW) during the Vietnam War from 1-21 Jan 71.

Investigation established probable cause to believe [REDACTED] committed the offenses of Theft of Public Money; False Statements; Possession of False Papers to Defraud the United States and Demands Against the United States when he falsified his DD Form 214, claiming he was a POW during the Vietnam War and presented the altered DD Form 214 and fraudulantly obtained funds from the U.S. Government.

Further, [REDACTED] committed the offense of Unauthorized Ribbons or Medals when he claimed he received a Distinguished Service Medal, which he was not awarded, and wore it when he was not authorized.

Based on coordination with the Department of Veteran's Affairs (VA), [REDACTED] would have received the same amount of compensation without claiming he was a POW, and accordingly there was no loss to the U.S. Government.

STATUTES:

- 18 USC 641: Theft of Public Money, Property or Records
- 18 USC 1002: Possession of False Papers to Defraud the United States
- 18 USC 1001: False Statements or Entries Generally
- 18 USC 1003: Demands Against the United States
- 18 USC 704: Unauthorized Ribbons or Medals

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of [REDACTED] 17 Nov 05, detailing receipt of RFI from the U.S. Army Criminal Investigation Command and the review of documents.
2. AIR of [REDACTED] 7 Nov 05, detailing receipt of request for investigation from the U.S. Army Chief of Staff; coordination with Mrs. SCHANTAG, the National Personnel Records Center, and the VA and the receipt of documents from the P.O.W. Network, VA claims file, and [REDACTED] microfiche.
3. P.O.W. Network documents, detailing their efforts to investigate [REDACTED] false claim that he was a POW during the Vietnam War.

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

4. VA Summary of VA Benefits, pertaining to [REDACTED]
5. Microfiche, containing [REDACTED] military records. (VA copy only)
6. AIR of [REDACTED] 15 Jan 06, detailing receipt of a Request for Assistance (RFA) and the interview of [REDACTED]
7. Sworn Statement of [REDACTED] 15 Feb 06, wherein he denied knowing how [REDACTED]
8. AIR of [REDACTED] 2 Feb 06, detailing receipt of RFA; coordination with [REDACTED] and receipt of [REDACTED] photograph.
9. Department of the Army (DA) Photograph of [REDACTED]
10. AIR of [REDACTED] 9 Feb 06, detailing the receipt of an RFA; interview of [REDACTED] and receipt of a Morning Report.
11. Sworn Statement of [REDACTED] 8 Feb 06, wherein he stated there were no POW's in his unit from November 1970 to June 1971.
12. Morning Report, 10 Jan 71, detailing there were no POW's at that time.
13. AIR of [REDACTED] 10 Feb 06, detailing receipt of an RFA and the interview of [REDACTED]
14. Sworn Statement of [REDACTED] 10 Feb 06, wherein he stated [REDACTED] was not taken prisoner around the timeframe of 8-11 Jan 71.
15. AIR of [REDACTED] 16 Feb 06, detailing the receipt of an RFA and the interview of [REDACTED]
16. Sworn Statement of [REDACTED] 16 Feb 06, wherein he stated [REDACTED] was not a POW while in his command.
17. AIR of [REDACTED] 21 Mar 06, detailing receipt of an RFA and the interviews of [REDACTED]
18. Sworn Statement of [REDACTED] 15 Feb 06, wherein he stated [REDACTED] was not a POW during his time in the unit.

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

ble, etc.

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

19. AIR of [REDACTED] 31 Jul 06, detailing the review of documents; witness interviews; coordination with the Special Assistant to the U.S. Attorney (SAUSA), the U.S. Attorney, the Veterans Affairs Inspector General's Office, the 11th Military Police Battalion Criminal Intelligence Coordinator; receipt of [REDACTED] personnel record file and criminal history checks.
20. VA Memorandum, 24 Feb 06, detailing the total estimated loss to the U.S. Government was \$51,546.00.
21. CID Report of Investigation 71-CID648-49481, detailing [REDACTED] was the victim of an explosion on 3 Sep 71, in Vietnam. (VA and file copies only)
22. CID Report of Investigation 73-CID209-69608, detailing [REDACTED] reported he was cut by five unidentified black males but the investigation determined that he cut himself while stationed in Alaska. (VA and file copies only)
23. CID Report of Investigation 0282-93-CID034-81212, detailing [REDACTED] reported the larceny and destruction of his personal property. (VA and file copies only)
24. CID Report of Investigation 71-CID448-45376, detailing [REDACTED] reported he was assaulted and robbed in his room while in Vietnam. (VA and file copies only)
25. Military Personnel Records pertaining to [REDACTED]
26. Timeline depicting [REDACTED] military assignments, awards and incidents from Oct 71 through Feb 74.
27. VA Memorandum changing the total loss to the VA to \$27,845.00.
28. News Articles pertaining to [REDACTED]
29. AIR of [REDACTED] 14 Sep 06, detailing coordination with [REDACTED] and [REDACTED] and that there was no loss to the U.S. Government.

Not Attached:

Retained in the files of this office:

30. VA Records pertaining to [REDACTED]

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

blei7c

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

The originals of Exhibits 1, 2, 6 through 11, 13 through 19, 26, and 29 are attached to the USACRC copy of this report. The originals of Exhibit 3 are retained in the files of the P.O.W. Network, P.O. Box 68, 302 Walnut, Skidmore, MO 64487. The original of Exhibits 4, 20 and 27 are retained in the files of the Department of Veteran's Affairs. The originals of Exhibit 5 are attached the Department of Veteran's Affairs copy of this report. The originals of Exhibits 12 and 25 are retained in the files of the National Personnel Records Center, 9700 Page Ave, St. Louis, MO 63132-5100. The originals of Exhibits 21 through 24 are retained in the files of the U.S. Army Crime Records Center, U.S. Army Criminal Investigation Division, 6010 6th Street, Fort Belvoir, VA 22060-5585. The originals of Exhibit 28 are retained in the files of their respective publishers.

STATUS: This is a Final Referred Report. On 14 Sep 06, this office coordinated with [REDACTED] Resident Agent-in-Charge, Department of Veterans Affairs, Office of the Inspector General, Criminal Investigation Division (CID), Houston Resident Agency, who assumed full jurisdiction and requested no additional CID assistance in the investigation be conducted. On 22 Sep 06, this office coordinated with the Special Assistant to the U.S. Attorney, who related [REDACTED] received pretrial diversion for the above listed offenses, wherein he agreed to refrain from referring to himself as a POW and would correct his VA and Military records. Report of Prosecutorial Action is not required.

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

b6,7c

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

REPORT PREPARED BY

REPORT APPROVED BY


Special Agent


Special Agent-in-Charge

DISTRIBUTION:

- 1 - Director, US Army Crime Records Center, 6010 6th Street, Ft Belvoir VA 22060 (Original)
- 1 - Commander, 11th MP BN (CID), Fort Hood, TX 76544 (Email only)
- 1 - Operations Officer, 11th Military Police Battalion, Fort Hood, TX 76544 (Email only)
- 1 - 11th MP BN Criminal Intelligence Coordinator, Ft. Hood, TX 76544 (Email only)
- 1 - Directorate of Emergency Services, ATTN: Station Commander (Email Only)
- 1 - Special Assistant to the U.S. Attorney, Office of the Staff Judge Advocate, Fort Hood, TX 76544
- 1 - Resident Agent in Charge, Department of Veterans Affairs, Office of the Inspector General, Criminal Investigation Division (CID), Houston Resident Agency, 6900 Almeda Road, Houston, TX 77030
- 1 - Commander, 6th MP Group (CID), Fort Lewis, WA 98433 (Email only)
- 1 - 11th MP BN Criminal Intelligence Coordinator, Ft. Hood, TX 76544 (Email only)
- 1 - File

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive

b2, b6, b7C