

# [Research paper (bah fraud and larceny)](https://assignbuster.com/research-paper-bah-fraud-and-larceny/)

| CATEGORIES | POINTS TO BE GRADED ON: 100 PTS TOTAL | POINTS | | INTEREST | |(5) | | | Many everyday scenarios in the Military are easily overlooked when they do not| | | | directly involve you.

This research project explores the common crimes of | | | | larceny and fraud as it pertains inside the military. | | | | Being able to read, ask about and learn the consequences of a common crime is | | | | beneficial for future assignments all over the world as it would pertain to | | | | everyday living but also as a leader to ensure Soldiers do the right thing. | | | Everyday there is a new question of if someone is authorized a particular | | | | amount of pay for where they live or where their spouse is currently living | | | | and being able to discuss the consequences if someone reports the incorrect | | | | information is absolutely invaluable. | | RULE OF LAW | |(40) | | IN YOUR OWN WORDS | Larceny is the taking of personal property with the intent to steal it.

With | | | | the sole purpose in mind to take something with no intention of returning it, | | | | or to realize that you have been receiving something that you were not | | | | entitled to and not returning it this is also larceny. | | | | | | | Fraud is deception used for the purposed of obtaining money or property from | | | | someone. There are several crimes under fraud such as bank fraud, wire fraud,| | | | mail fraud, insurance fraud and Medicare fraud. All of which share the same | | | | common element of deception of another person in order to obtain money or | | | | property. | | | | | | | ELEMENTS FOR FRAUD | | | | | | | | Bank fraud – | | | | Obtaining money, assets or any other property from a financial institution | | | | through deceit. | | | | | | | | This is the fraud that is used more commonly in the military.

Soldiers use | | | | different mechanisms in the military finance department to attempt to receive | | | | more money than they are authorized to receive, particularly for the Basic | | | | Allowance for Housing (BAH). | | | | | | | | Wire/Mail fraud – | | | | Using any means of ommunication or information delivering system such as | | | | television, phones, computers or mail for the purpose of selling items not | | | | directly owned. | | | | | | | | Insurance fraud – | | | | Parties setting up an outside party as a victim, claiming injuries and damages| | | | even though the accident was not the victims fault.

Claims are made against | | | | the victims insurance that are erroneous in order to acquire monetary | | | | compensations. | | | | | | | | Medicare fraud – | | | | Using bribes and fake claims to obtain money from the state and federal | | | | government Medicare systems. | | | | | | | DEFENSES TO LARCENY AND FRAUD | | | | In certain circumstances when accused of fraud and or larceny, there still | | | | ways to have a proper defense. | | | | | | | | Truth – | | | | Many instances have been tried where the defendant has agreed to take a | | | | Polygraph test against particular accusations, in which, once passed, the | | | | charges are released. | | | | | | | Witness – | | | | In times where all paperwork is not able to be produced and in cases where the| | | | fraud claims have to do with military pay and benefits for the housing of | | | | family members, witnesses who confirm that the individuals in question did | | | | live there can easily have the charges dismissed. | | | DEFINITIONS | Ambiguity – |(10) | | | 1. | | | | doubtfulness or uncertainty of meaning or intention: to speak with ambiguity; | | | | an ambiguity of manner. | | | | | | | | | | | 2. | | | | An unclear, indefinite, or equivocal word, expression, meaning, etc. : a | | | | contract free of ambiguities; the ambiguities of modern poetry. | | | | | | | | | | | | | | | | | | | Law Definition | | | |- When language has more than one meaning. If the ambiguity is obvious it is | | | | called “ patent,” and if there is a hidden ambiguity it is called “ latent. ” If | | | | there is an ambiguity, and the original writer cannot effectively explain it, | | | | then the ambiguity will be decided in the light most favorable to the other | | | | party. | | | | | | | Prima Facie Case – | | | | When a party cannot prove their case, they must prove all elements. | | | | | | | | Uniformed Code of Military Justice (UCMJ) – | | | | Articles, rules and laws that govern the Department of Defense and the | | | | Military services in which fall under it.

These are laws that come from the | | | | Federal judicial system but are tailored specifically for the Military. | | | ISSUE | |(10) | | IN YOUR OWN WORDS | BAH authorizations and travel vouchers are not always easy to complete. Many | | | | service members have unique situations; however, when they seek advice, they | | | | get an answer that does not fit their particular situation. This causes the | | | | service member to make an honest mistake when completing military forms.

To | | | | complicate the situation, it is not unusual for a service member to receive | | | | bad advice from the military finance personnel or from the person in their | | | | unit who is designated to assist in these matters. | | | FACTS | |(10) | | | BAH Fraud or Travel Voucher Fraud typically comprises two offenses – False | | | | Official Statement and Larceny. The reason for that is the service member | | | | completes a form, e. g. a travel voucher or BAH authorization, which is later,| | | | claimed by the government to be false in some manner and by having completed | | | | the form incorrectly, the service member receives pay that he was not entitled| | | | to receive. | | | | For a person to be found guilty of False Official | | | | | | | | Statement (Fraud), the government must prove that the service member completed| | | | the form with the intent to deceive.

It is not enough for the government to | | | | merely show that the service member completed the form incorrectly. For | | | | example, a service member can make a mistake in completing a travel voucher or| | | | BAH authorization which would make it false, but may not be guilty of false | | | | official statement if it was an honest mistake or done without the intention | | | | to deceive someone. | | | | | | | To be found guilty of Larceny, the government must prove that the service | | | | member received money that he knew he was not entitled to receive and kept | | | | that money with the intent of never returning it. It is not enough for the | | | | government to show that the service member merely received money that he was | | | | not supposed to receive, but the government needs to prove that the service | | | | member knew he received money he was not entitled to. | | | | | | | If a service member makes an honest mistake in completing the form and thus | | | | receives money that he believes he is entitled to receive, then he would not | | | | be guilty of False Official Statement (Fraud) or Larceny. | | | | | | | OBSERVATIONS | |(10) | | | If the government targets you, you should expect that the investigators will | | | | have access to all of the paperwork you submitted in order to get your money. | | | In addition, the government will likely get your phone records and bank | | | | records, and might even subpoena your emails. In a proper investigation, the | | | | government will do everything it can to prove that you intended to steal the | | | | money from the beginning, or kept the money after you realized you had been | | | | overpaid because of a mistake. | | SOCIAL RELEVANCE | |(10) | | | Unfortunately, the government is eager to initiate UCMJ action against a | | | | service member once it learns that the service member is receiving money to | | | | which he is not entitled. This is because it assumes that the service member | | | | intended to defraud the government. | | YOUR OPINION | I believe that military leaders should take a more invested interest in |(5) | | | learning the small details like filling out paperwork so that mistakes such as| | | | the ones commonly made that cause such issues can be avoided. Senior leaders | | | | in the military who decide on their own to make the choices of fraud and | | | | larceny deserve to suffer under all the provisions of the UCMJ if caught but | | | | those who do not know all of the rules should be able to have leaders to turn | | | | to. | | POINTS DEDUCTED | TOTAL POINTS DEDUCTED FROM ABOVE CATEGORIES | | | | | | | | | | | THIS CENTER SECTION NEEDS TO BE COPIED ONTO | | | | YOUR PAPER | | | | | FOR LATE PAPERS, DEDUCT |(-25) | | | DATE DUE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(FILL THIS IN) DATE PRESENTED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | IF YOU COPY THE JUDGE’S WORDS, DEDUCT |(-15) | | | IF YOU COPY COPYRIGHTED WORDS, DEDUCT |(-100) | | | IF YOU DO NOT FOLLOW DIRECTIONS, DEDUCT |(-30) | | | NO ATTACHMENTS -5 | | | | INCOMPLETE CHART -5 | | | | NOT ALL STAPLED TOGETHER WITH ON STAPLE -5 | | | | U8ING PEOPLE’S NAMES -5 | | | | USING OF PLAINTIFF OR DEFENDANT; APPELLANT, APPELLEE, ETC. 5 | | | | NOT ROUNDING OFF DATES AND/OR NUMBERS -5 | | | | OTHER -5 | | | | FOR EVERY GRAMMATICAL AND SPELLING ERROR, DEDUCT |(-1) | | | IF YOU READ OR GIVE A MEMORIZED PRESENTATION |(-15) | | | NO ORAL REPORT |(-25) | | | FOR EVERY MINUTE YOU GO OVER THE 5 MINUTE LIMIT |(-1) | | | TIME STARTED\_\_\_\_\_\_\_\_\_\_ TIME ENDED\_\_\_\_\_\_\_\_\_\_\_\_ | | | FINAL GRADE FOR CASE STUDY: DOUBLE CHECK MY MATH. /100 |