

Research paper (bah fraud and larceny)



**ASSIGN
BUSTER**

| 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 communication 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 | |

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 | | | | USING 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 |