

AFZA-AC-AP (AFZA-AC-H/29 Apr 96) (608-99) 2nd End SFC Mickens
/srs/6-6146
SUBJECT: Release from Financial Support (SPC Iannelli-Smith, Derek,
025-54-3236)

Commander, Dragon Brigade, XVIII Airborne Corps, Fort Bragg,
North Carolina 28307-5000 7 Oct 96

FOR Commander, Headquarters and Headquarters Company, XVIII
Airborne Corps, Fort Bragg, North Carolina 28307-5000

Approved/~~disapproved~~.

- 3 Encls
1. 1st End
2. Original packet
3. DA Form 2A

David J. Mattes
DAVID J. MATTES
COL, IN
Commanding

Encl 1


AFZA-AC-H (AFZA-JA/16 Apr 96) 1st END ISG Chappelle/jec/6-5818/5473
SUBJECT: Release from Financial Support, SPC Iannelli-Smith, Derek, 025-54-3236

Commander, HHC, XVIII Airborne Corps, Ft Bragg, NC 28307

29 Apr 96

FOR Commander, Special Troops Battalion, Dragon Brigade, XVIII Airborne Corps,
Fort Bragg, NC 28307-5000

1. After careful legal review by the Staff Judge Advocate Office on SPC Iannelli-Smiths' request to be released from his support obligations IAW AR 608-99.
2. This command recommends approval on SPC Iannelli-Smith request for release that can be approved by the Battalion Commander.
3. POC, this action is ISG Chappelle, 6-5818 or SSG Trexler (Bde Legal), 6-0049.


SCOTT A. SLATEN
CPT, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28307-5000



REPLY TO
ATTENTION OF:

AFZA-JA (608-99)

16 April 1996

MEMORANDUM THRU Commander, HHC XVIII Airborne Corps,
ATTN: CPT Slaten, Fort Bragg, NC
28307-5000

FOR Commander, Dragon Brigade, ATTN: COL Oates, Fort Bragg,
NC 28307-5000

SUBJECT: Release from Financial Support Provision of AR 608-
99 for SPC Derek Iannelli-Smith, SSN: 025-54-3236

1. SUMMARY:

a. SPC Derek Iannelli-Smith should be released from the support obligation of Army Regulation (AR) 608-99. He is currently paying BAQ-WITH to his wife.

b. According to AR 608-99, paragraph 2-11(b)(3), a battalion commander may release a soldier from the regulatory support requirement if the income of the spouse exceeds the military pay of the soldier. In paragraph 2-10(b)(2), a soldier has the burden of producing documents that prove the spouse has a greater income. This burden is also met if an officer acting on behalf of the battalion commander attempts to obtain the information, and the spouse refuses to provide the documents. SPC Iannelli-Smith's wife has refused to answer two separate requests by the Inspector General's Office to provide records of her income. Since the necessary burden has been met, he should be released from the regulatory support requirement.

c. Finally, Mrs. Iannelli-Smith is currently living with another man in her parent's home. This reinforces the need to release him from the support requirement.

SUBJECT: Release from Financial Support Provision of AR 608-99 for SPC Derek Iannelli-Smith, SSN: 025-54-3236

2. BACKGROUND:

a. SPC Iannelli-Smith married Rebecca Devino on 4 August 1992, in Deerfield, Massachusetts. After eleven months of marriage, she left Fayetteville and returned to Massachusetts.

b. He immediately began providing support to his wife on 14 July 1993 at the BAQ-WITH rate. He established an allotment so that the support payment would go directly to her bank account.

c. On 18 January 1994, Mrs. Iannelli gave birth to their daughter, Samantha. In accordance with his duties as a husband and father, SPC Iannelli-Smith continued the support payments and increased them with each increase in pay. Despite the birth of their daughter, it is apparent that they cannot reconcile their differences.

d. Therefore, SPC Iannelli-Smith has been attempting to obtain a divorce from his wife since September of 1993. First, he had a separation agreement prepared through the Fort Bragg Legal Assistance Office. His wife refused to sign the agreement. Next, he obtained a civilian attorney in Massachusetts and filed for divorce. His wife contested the divorce. Due to a lack of funds, he released the attorney in Massachusetts.

e. On 4 August 1994, SPC Iannelli-Smith hired an attorney in North Carolina to begin divorce proceedings. According to North Carolina law it is necessary for a couple to be separated for one year before a divorce can be initiated. He therefore began the divorce in North Carolina on 5 July 1995. Again, SPC Iannelli-Smith's wife used legal maneuvering to block the divorce from occurring in North Carolina. Due to ineffective counsel and a lack of funds, he chose not to proceed in the North Carolina courts.

f. Despite the lack of success in obtaining a divorce, SPC Iannelli-Smith has been successful in acquiring visitation rights to see his daughter. Orders were initiated in Massachusetts which give him visitation rights during periods of leave from the military.

AFZA-JA (608-99)

SUBJECT: Release from Financial Support Provision of AR 608-99 for SPC Derek Iannelli-Smith, SSN: 025-54-3236

g. He has also contacted the Department of Revenue, Child Support Enforcement of Massachusetts, in an effort to establish a financial support order for his child. Again, due to his wife's noncompliance, he has not been able to obtain a final court order.

h. SPC Iannelli-Smith very much wants to be a part of his daughter's life. Since his daughter's birth, he has spent almost every period of leave traveling to Massachusetts. As a result, he has spent a considerable amount of money for travel and court appearances. Nonetheless, his wife has used every opportunity to prolong the divorce proceedings.

3. SPC IANNELLI-SMITH SHOULD BE RELEASED FROM THE SUPPORT REQUIREMENTS OF AR 608-99

(a) SPC Iannelli's Wife Allegedly Makes More Money:

(1) As mentioned above, AR 608-99, paragraph 2-11(b)(3), provides a battalion commander the authority to release a soldier from the regulatory requirement of spousal support if the income of the spouse exceeds the military pay of the soldier.

(2) Also, according to paragraph 2-10(b)(2), a soldier has the burden of coming forward with sufficient information and documents to establish a basis for a battalion commander's action under paragraph 2-11(b)(3). "This burden is also met if, in reply to a personal letter or telephone call from the battalion commander, or an officer acting in his or her behalf, the spouse refuses to provide the documents in his or her possession that may support or rebut the soldier's claim." AR 608-99, paragraph 2-10(b)(2).

(3) SFC Frederick M. Hunter of the Inspector General's Office requested financial documentation on two occasions to establish the frequency, amount, receiving bank, and period that she has been receiving support payments (Enclosure 2). He did this with guidance from DFAS, so that SPC Iannelli-Smith could change his pay option from BAQ/WITH to BAQ/DIFF. SFC Hunter signed both letters which were sent to his wife's

AFZA-JA (608-99)

SUBJECT: Release from Financial Support Provision of AR 608-99 for SPC Derek Iannelli-Smith, SSN: 025-54-3236

attorney. SFC Hunter never received the requested information.

(4) SPC Iannelli-Smith's wife works full-time as a bank teller and lives with her parents. I contend that the regulatory burden was met when SFC Hunter attempted to establish his wife's income. She refused to provide documents in her possession that may support or rebut SPC Iannelli-Smith's claim. Therefore, I believe that Iannelli-Smith should be released from his requirement of spousal support.

(b) SPC Iannelli-Smith's Wife Has Committed Adultery:

(1) While SPC Iannelli-Smith was on leave during 20 January 1996, he appeared in a Massachusetts court to contest his child visitation rights. The court granted visitation. However, his wife's attorney presented the court with a signed, notarized affidavit stating that, "Spouse, at the time of conception of joint party's child, engaged in sexual intercourse with a man other than her husband" (Enclosure 1).

(2) This was a shock to SPC Iannelli-Smith. The issue of paternity never arose in the three years that he provided support and pursued divorce. He has submitted to a genetic marker test, and is currently waiting for the results.

(3) Furthermore, while SPC Iannelli-Smith was on leave over 20 January 1996, he and another person witnessed his wife living with another man. His wife has lived with her parents since 14 July 1993. Mrs. Iannelli-Smith currently has a live-in boyfriend at her parent's home. She has also been seen wearing an engagement ring.

4. CONCLUSION:

I am impressed with SPC Iannelli-Smith's sincerity regarding this issue. He done everything possible to resolve this matter. I am sure that his wife is fully aware of the parameters of AR 608-99. It is my opinion that she has prolonged the divorce process in order to receive the BAQ-WITH amount as long as possible. This has been unfair

AFZA-JA (608-99)

SUBJECT: Release from Financial Support Provision of AR 608-99 for SPC Derek Iannelli-Smith, SSN: 025-54-3236

to SPC Iannelli-Smith. More importantly, it is a perversion of the purpose behind AR 608-99.

6 Encls

Gregory F. Greiner
GREGORY F. GREINER
CPT, JA
Legal Assistance Officer



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28307-5000



16 May 1996

Office of the Inspector General

Mrs. Rebecca G. Iannelli
21 Pine Street
Greenfield, MA 01301

Dear Mrs. Iannelli,

In order to properly consider a packet presented to us by Specialist Derek R. Iannelli-Smith, I must verify and compare the amount of income each of you received in 1995. Request that you provide this office with a 1995 copy of either your W-2 Form or your tax return. This paperwork will enable us to make the proper decision concerning this packet.

Please forward your information to me at the following address:

Office of the Inspector General
ATTN: AFZA-IG (LTC Cohen)
Fort Bragg, NC 28307-5000

Thank you very much for your assistance with handling this matter.

Sincerely,

Howard I. Cohen
Lieutenant Colonel, U.S. Army
Detailed Inspector General

FNCL 8

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mrs. Rebecca G. Iannelli
21 Pine Street
Greenfield, MA 01301

4a. Article Number

Z 023 665 164

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

5/24/96

5. Received By: (Print Name)

8. Addressee's Address (Only if Requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Rebecca G. Iannelli*

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

AFZA-IG (AFZA-JA/16 Apr 96) 2d End

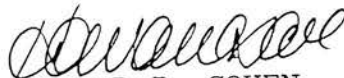
LTC Cohen/fmh/6-5106

SUBJECT: Release from Financial Support, SPC Iannelli-Smith,
Derek K., 025-54-3236

Commander, XVIII Airborne Corps and Fort Bragg, ATTN: AFZA-IG,
Fort Bragg, NC 28307-5000 25 JUN, 1996

FOR Commander, HHC, XVIII Airborne Corps, ATTN: 1SG Chappelle,
Fort Bragg, NC 28307-5000

1. The additional information you requested is attached at enclosures 7 and 8.
2. I telephonically contacted Ms. Iannelli and requested that she provide this office verification of her income. She refused. I mailed a letter requesting that she forward the documents to me. Ms. Iannelli has not responded in the required thirty day period.
3. POC is the undersigned at 6-5106/5117.



HOWARD I. COHEN

LTC, SC

Detailed Inspector General



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28307-5000



AFZA-IG (608-99)

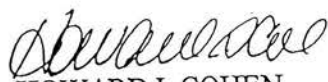
16 May 1996

MEMORANDUM FOR RECORD

SUBJECT: Request for Validation of Mrs. Rebecca G. Iannelli's Annual Income

1. On 16 May 1996, at 1136 hours, I telephonically contacted Mrs. Rebecca G. Iannelli and requested a copy of her W-2 form and/or a copy of her 1995 tax return. I told her that I needed to verify the amount of money that she made in 1995 to properly consider a packet presented by SPC Iannelli-Smith. She questioned specifically why I needed that information. I told her that our legal advisor advised us to obtain that information. She refused to provide that information now or any time. She advised me to get in touch with her lawyer. I did verify her home address as 21 Pine Street, Greenfield, MA 01301.

2. Point of contact for this issue is the undersigned.


HOWARD I. COHEN
LTC, SC
Detailed Inspector General

ENCL 7

facsimile
TRANSMITTAL

to: CPT Andary
fax #: 910-396-0398
re: Per Conversation Stopping BAQ W/dependant for SPC Derek R. Iannelli-Smith
date: January 22, 1996
pages: 2, including this cover sheet.

Sir,

This is a copy of the motion that was presented before the court on 16 Jan 96, in the Commonwealth of MA. If you have any other questions concerning this issue, I can be contacted at the following:

Work: 6-5106/7343/5117
Home: 960-4196

Thanks again for your help.

SPC Derek R. Iannelli-Smith

JAN 22 1996

From the desk of...
Derek R. Iannelli-Smith
HHC, XVIII Airborne Corps
Fort Bragg, NC 28307-5000

910-960-4196
Fax: 910-396-9231

COMMONWEALTH OF MASSACHUSETTS
PROBATE AND FAMILY COURT
DOCKET NO. 93D 0267

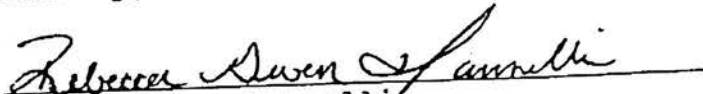
FRANKLIN, SS

DEREK R. IANNELLI,)
Plaintiff)
v.)
REBECCA G. IANNELLI,)
Defendant)

AFFIDAVIT IN SUPPORT OF
MOTION FOR BLOOD TESTS
AND/OR GENETIC MARKER TESTS

1. I am Rebecca Iannelli, the Defendant in the above divorce action.
2. I am the mother of Samantha Iannelli, born on January 18, 1994.
3. At the time of conception, I engaged in sexual intercourse with a man other than my husband.
4. I suspect that Derek Iannelli is not the biological father of Samantha.
5. I believe that it is in Samantha's best interests to have Mr. Iannelli submit to blood tests and/or genetic marker tests to help determine the issue of paternity.

Sworn to under the pains and penalties of perjury this 11th day of January, 1996.

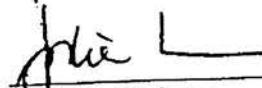

Rebecca Gwen Iannelli

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, ss

January 11, 1996

Then personally appeared the above-named Rebecca Gwen Iannelli and acknowledged the foregoing to be her free act and deed, before me


Jodie Nolan
Notary Public
My commission expires 6/2/2000

SPECIAL POSTAL SERVICES CONTROL FORM

(AR 25-51)

1. Type Service Requested:
 Registered
 Certified
 Express (Justification required in Item 6)

- Insured
 Return Receipt
 Bulk Mail

Z 023 665 164

2. Mailing Address
 Mrs. Rebecca G. Iannelli
 21 Pine St. Greenfield, MA 01301

3. Return Address
 HHC, XVIII Airborne Corps
 ATTN: AFZA-IG (LTC Cohen), Ft. Bragg, NC 28307-5000

4. Typed Name/Grade of Requestor/CDR
 SFC Frederick M. Hunter

Signature: *Frederick M. Hunter*

5. Unit/Activity
 XVIII Airborne Corps Inspector General 1

6. Justification for Express Mail

7. Typed Name/Grade of Official Mail
 Control Officer (OMCO)

SFC Frederick M. Hunter
 Signature: *Frederick M. Hunter*

8. Unit/Activity

XVIII Airborne Corps Inspector General

9. Date: 16 May 94

FB Form 2083-E, 1 Sep 93 (AFZA-IM) Edition of 1 May 93 and FB Form 2232 are rescinded.

Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)



Sent to
 Mrs. Rebecca G. Iannelli
 Street and No
 21 Pine Street
 Greenfield, MA 01301

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1/10
Return Receipt Showing Date, and Address to Whom	
TOTAL Postage & Fees	
Postmark Date	



PS Form 3800, March 1993

Z 023 665 164

AFZA-IG (608-99)

16 May 1996

MEMORANDUM FOR RECORD

SUBJECT: Request for Validation of Ms. Rebecca Ianelli's Annual Income

On 16 May 1996, at 1136 hours, I telephonically contacted Ms. Rebecca Ianelli and requested a copy of her W-2 form and/or a copy of her 1995 tax return. I told her that I needed to verify the amount of money that she made in 1995 to properly consider a packet presented by SPC Ianelli. She questioned specifically why I needed that information. I told her that our legal advisor advised us to obtain that information. She refused to provide that information now or at any time. She advised me to get in touch with her lawyer. I did verify her home address as 21 Pine St., Greenfield, MA 01301.



HOWARD I. COHEN
LTC, SC
Detailed Inspector General

AN ALLOTMENT FOR ACTIVE DUTY OR RETIRED PERSONNEL

PREPARED BY

Privacy Act Statement


AUTHORITY: 37 U.S.C. 101 et seq; E.O. 9397, November 1943 (SSN).

PRINCIPAL PURPOSES: To permit starts, changes, or stops to allotments other than bond allotments. To maintain a record of allotments other than bond allotments and ensure starts, changes, and stops are in keeping with member's desires.

ROUTINE USES: Information may be released to computer service centers and other accounting services when such centers and services act as authorized agents of financial organizations specified by the member to receive allotments. Disclosure may be made to the Federal Reserve System when payment of allotment is made through the electronic fund transfer system to financial organizations. Records may also be disclosed to Congress; allottees; Secret Service; General Accounting Office; Federal, State and local courts; U.S. Treasury; and to the Department of Justice, in some cases for prosecution, civil litigation, or for investigative purposes.

DISCLOSURE: Voluntary; however, failure to provide the requested information as well as the SSN may result in the member not being able to start, change, or stop allotments.

TO BE COMPLETED BY ALLOTTER

1. ALLOTTER'S NAME (Last, First, Middle Initial) (Print or type) Jannelli, Derek R.	2. SOCIAL SECURITY NUMBER 025-54-3236	3. GRADE (AD only) E4/SPC
4. ALLOTTER'S MAILING ADDRESS (Street or Box Number, City, State, Zip Code) HHC, XVIII Airborne Corps Fort Bragg, NC 28307-5000	5. EFFECTIVE DATE (YYMM) 9501	6. ALLOTMENT AMOUNT (Per Month) \$ 361.50
7. ALLOTTEE'S NAME (First, Middle Initial, Last) Greenfield Savings Bank CREDIT LINE (If applicable)	8. ALLOTMENT ACTION <input checked="" type="checkbox"/> a. START <input type="checkbox"/> b. STOP <input type="checkbox"/> c. CHANGE	
11. ALLOTTEE'S MAILING ADDRESS (Street or Box Number, City, State, Zip Code) 400 Main Street Greenfield, MA 01301 Ph# (413) 774-3191	10. ALLOTMENT CLASS AUTHORIZED (X only one) <input type="checkbox"/> C CHARITY /CFC (Note 2) <input checked="" type="checkbox"/> D SUPPORT (Note 1) <input type="checkbox"/> F CHARITY - EMERGENCY /ASSISTANCE FUND CONTRIBUTIONS <input type="checkbox"/> H REPAYMENT OF HOME LOAN (Note 2) <input type="checkbox"/> I INSURANCE <input type="checkbox"/> L REPAY SERVICE ORGANIZATION (Red Cross, etc.) <input type="checkbox"/> N PAY PREMIUMS ON USGLI OR NSLI TO VA (Note 2) <input type="checkbox"/> S PAYMENT TO FINANCIAL ORGANIZATION /VEAP (Note 3)	
12. IF FOREIGN ADDRESS COMPLETE AS FOLLOWS (Province, Country)	<input type="checkbox"/> T LIQUIDATION OF DEBTS TO U.S. OR DELINQUENT STATE / LOCAL INCOME /EMPLOYMENT TAXES <input type="checkbox"/> X LOCALLY PAID ALLOTMENT <input type="checkbox"/> OTHER (Specify)	
13. REMARKS This is a support allotment in Accordance with AR 608-99	14. ACCOUNT NUMBER /POLICY NUMBER 0100077129	
17. SIGNATURE OF ALLOTTER 	15. TOTAL CLASS L AMOUNT \$	16. TOTAL CLASS T AMOUNT \$
18. DATE (YYMMDD) 94 12414		

NOTE 1. Must be different address than allotter. Each dependent allotment must have a different credit line. Only one support allotment per dependent is allowed.

NOTE 2. May not be started after retirement.

NOTE 3. May not be started or changed after retirement.

ROUTING AND TRANSMITTAL SLIP

Date

5 DEC 95

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1.	COL SHAW <i>(Signature)</i>	<i>(Signature)</i>	5 Dec
2.			
3.			
4.			
5.			

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

SJR,
 THIS IS THE ISSUE I TALKED TO YOU ABOUT
 REF SFC IRNELLI'S WIFE DEFRANDING THE
 GOV BY USING CHAMPUS FUNDS THAT'S SUPPOSE
 TO PAY HER MEDICAL BILL. PLS. INT ON
 PG 2.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) SFC HUNTER	Room No.—Bldg.
	Phone No.

6 Dec 95

Date

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1.	CPT Andary	JAC	7 Dec 95
2.	SPC Iannelli		
3.			
4.			
5.			

<input checked="" type="checkbox"/> Action	File	<input checked="" type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	For Clearance	<input checked="" type="checkbox"/> Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	<input checked="" type="checkbox"/> For Your Information	See Me
Comment	Investigate	<input checked="" type="checkbox"/> Signature
Coordination	Justify	

REMARKS

Sir,

This is the document that I told you about on Monday at the Motor Pool. If you have any questions please call me at 6-5106/5117/7343. Pls contact me for pickup. Thank you.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	1-2732
SPC Iannelli-Smith	Phone No.
	6-5106/5117/7343

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1.	CPT Erle	WJE	13 Dec 95
2.			
3.			
4.			
5.			

<input checked="" type="checkbox"/>	Action	<input type="checkbox"/>	File	<input type="checkbox"/>	Note and Return
	Approval		For Clearance	<input checked="" type="checkbox"/>	Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate	<input checked="" type="checkbox"/>	For Your Information		See Me
	Comment		Investigate	<input checked="" type="checkbox"/>	Signature
	Coordination		Justify		

REMARKS

Sir,

This is the final stage of this memo. All I need is your initials so that I may send it off. Thanks again for your help. Please call me for pick-up. Thanks

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

SPC Iannelli-Smith

Room No.—Bldg.
1-2732Phone No.
6-5106/5117/735

5041-102

☆ U.S. G.P.O. 1992 312-070/40022

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28307-5000



AFZA-IG

MEMORANDUM FOR Community Health Plan, P.O. Box 788, Latham, NY 12110-0788

AdminStar Defense Services, P.O. Box 3070, Columbus, IN 47202-3070

SUBJECT: Official Notification of Fraudulent Usage of Benefits

1. On behalf of the sponsor, SPC Derek R. Iannelli-Smith, SSN: 025-54-3236 we are officially notifying you of fraudulent usage of CHAMPUS benefits.
2. Per conversation with U.S. Army Judge Advocate General Attorney, CPT William J. Erle of XVIII Airborne Corps, Fort Bragg, NC 28307-5000, Ph. # 910-396-6113, he advised this sponsor to notify you of fraudulent usage of benefits officially.
3. Since 14 July 1993, sponsor and his spouse have been separated. Due to court litigation and time involved around this litigation, there is no official separation agreement or final divorce decree, which would complete the revocation of former spouses' military ID card and benefits. There is also a two(2) year old dependent involved, to whom is still entitled to receive benefits due to sponsors' active duty status.
4. Per conversation with CPT Hamilton of the Claims Office of the Judge Advocate General's office, a determination is consisting of the Department of Defense's involvement with investigation of the actual sums revolving around this fraudulent abuse of benefits.
5. Sponsor understands his commitment to pay these medically incurred bills and as annotated by enclosure 1(Consumer Counseling Credit Bill Consolidation Service), he has been making monthly payments on an unclear balance of these incurred expenses. The sponsor has not received any substantial amounts of claim checks in his name for more than \$30 that he can recall, to apply toward his ever-growing balance. All funds are coming straight out of sponsors' pocket. This is not fair to the soldier or the agencies involved who have agreed to the CHAMPUS supplements and have not received them.
6. Enclosure 2 is a signed statement by a Fort Bragg CHAMPUS representative outlining the facts of fraudulent use, and Enclosure 3 show's just one example of an endorsed check supposed to be applied toward these expenses. The sponsor has contacted above addressees both through mail and telephonic conversation and has not come to a finalization of this situation. Furthermore, Enclosure 4 is a formal revocation of powers of attorney for the sponsor's beneficiary that the sponsor sent through certified, registered mail to spouses' attorney.

AFZA-IG

SUBJECT: Official Notification of Fraudulent Usage of Benefits

7. Above-mentioned sponsor has requested, and in the best interest of the U.S. Government, that any future medical expenses that require filing of claims, endorsement of checks, and finally responsibility of payment be forwarded to the sponsor as the sponsor's spouse is evidently incapable of fulfilling the responsibility of such debts. We further advise that any future bills, checks, and claim forms be sent to the sponsor so that he can continue to honor his responsibility to these medical expenses and debts for the following beneficiaries:

<u>NAME</u>	<u>SSN</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
Rebecca Gwen Iannelli	025-62-2134	Spouse (separated for 3 years)	24
Samantha Reed Iannelli	013-78-0457	Daughter	1yr 11mo

Both beneficiaries reside at 21 Pine Street, Greenfield, MA 01301, Ph.# 413-773-7055. Until the court drafts an official divorce decree, separation agreement or other legally binding documents, we would appreciate if the sponsor could have a little more participation on the delegation of these responsibilities rather than just picking up the full brunt of the expenses.

8. It is unclear why above-mentioned health care providers cannot file these claims themselves, but due to the state of affairs that this issue is currently in, we look forward to rectifying this issue now with the presentation of this memorandum and its enclosures.

9. We have listed points of contact concerning this issue below:

<u>NAME</u>	<u>RANK</u>	<u>POSITION</u>	<u>PHONE #</u>	<u>INIT</u>
Derek R. Iannelli-Smith	SPC	Exec Admin Asst	910-396-5106	<i>DRS</i>
Frederick Hunter	SFC	IG NCOIC	910-396-5106	<i>FH</i>
Johnnie D. Shaw	COL	IG	910-396-5106	<i>JS</i>
George A. Andary	CPT	Company Commander	910-396-5818	<i>GA</i>
William J. Erle	CPT	JAG Attorney	910-396-6113	<i>WE</i>

Frederick M. Hunter
FREDERICK HUNTER
SFC, USA
IG NCOIC

Client Monthly Activity Report for 11/28/95

Consumer Credit Counseling Service of Fayetteville
 P. O. Box 2009
 Fayetteville, NC 28302
 (910) 323-3192

Deposit(s) total \$ 212.00
 Deposit Due \$ 202.00
 Counselor Initials JST
 Client ID 2924

Please return this portion with your next payment.

*****DUE TO THE HOLIDAY SEASON ALL PAYMENTS MUST BE
 *****IN HOUSE BY CLOSE OF BUSINESS, DECEMBER 18, 1995!!!!

Derek Iannelli
 HHC XVIII, ABN Corps
 Ft. Bragg, NC 28307

Beginning Balance \$ 0.00

Date	Deposit	Amount
11/06/95		212.00

Total Balance \$ 0.00

Date	Creditor Name	Payment	Est Bal
11/13/95	CCCS	10.00	0.00
11/13/95	Sears Payment Center	27.00	1183.06
11/13/95	First USA Bank	30.00	1030.73
11/13/95	Corporate Credit Specialists	30.00	835.13
11/13/95	First Union Bankcard Center	25.00	831.57
11/13/95	AT&T	30.00	473.95
11/13/95	Community Health Plan	40.00	3309.00 - medical
11/13/95	Calagione/Schonbrun P.C.	20.00	5.00 - medical

DEC 05 1995

Your balance is just an estimated balance. See your monthly statements for the exact balance.

Encl 1

Mrs. Posey,

On 3 October 1995, 1400 I came into your office, the Fort Bragg CHAMPUS office. It had come to my attention that I had been paying for medical expenses for the last year and a half solely out of my pocket. I was under the assumption that these bills that I was receiving from Community Health Plan were my left over percentage of what I owed for the medical bills for my ex-wife to whom I have been separated from for 2 years and 3 months, and the pediatric care for my 17 month old daughter. After showing Mrs. Posey all my paperwork, including bills, my payment to Consumer Counseling Credit Services to pay for these medical expenses, she assisted me in finding out more about the nature of my bills. After numerous phone calls and her efforts the below listing contains her notes on what she found:

06/06/94 - \$70.00 - allowed \$70.00 to dep. Pd patient \$34.56, CS \$8.64.
03/17/94 - \$65.00 - allowed \$34.50. Pd \$24.60, CS \$ 6.90.
08/23/94 - \$70.00 - allowed \$34.47. Pd \$27.58, CS \$ 6.89.
01/18 - 01/21/94 - \$1,603.46 - \$378.38 (100/0)
\$5,654.28 - \$2,627.28, CS \$27.90 (413) 772-0211

Hospital Bill, DOS 01-18/94 - 01/21-94

Samantha - \$1,603.46 - Amount due hospital = 0

CHAMPUS paid \$378.38

Rebecca - DOS 01/18/94 - 01/21/94 \$5,654.28

CHAMPUS paid \$2,627.28 (CS \$27.90)

(Patient - Rebecca)

01/18/94 - \$2,850.00 - Dr. Richard McGinn (not assigned)

Paid patient (Rebecca) on 04/07/94 - \$1,641.40

this was a check issued to Rebecca for the responsibility of paying medical expenses.

It was not used this way.

01/18/94 - \$255.00 - Dr. Ann Chiperfield - \$233 outstanding balance - Patient Paid \$22.00

Dawn - Medical Billing Dept

What this all means is that checks have been issued to the patient Rebecca Gwen Iannelli for the medical expenses accrued and to this date, none of the checks have been used in this manner. I have been paying for them every month through CCCS for the amount of \$40.00 dollars a month working on a balance (as of 09/26/95) of \$3,389.00. I vaguely recall Rebecca sending me CHAMPUS checks which were addressed to me and I endorsed and applied toward my balance with Community Health Plan. I have never received any checks for over \$30.00 that I can recall. As reflected by my payment to CHP every month, I have paid more than the checks were cut for. I am formally requesting Mrs. Posey to obtain for me a copy of the canceled checks so that I can verify how much, and how many checks have been endorsed and NOT applied to medical bills, i.e., Checks that Rebecca has cashed and not applied to what CHAMPUS has delegated them to be used for. Mrs. Posey has also helped to clear up some of the billing problems for me, requesting that all paperwork from now on be sent to me, instead of Rebecca when it comes to the payment of these medical bills. I am forever in her debt for helping me to rectify this astronomical financial situation. I vow also to keep Mrs. Posey apprised of this situation after all of her efforts on 03 Oct 95, and continue on with keeping my responsibility for paying for these medical bills for my dependants.

Respectfully Yours,

Derek R. Iannelli-Smith
SPC Derek R. Iannelli-Smith
HHC, XVIII Airborne Corps
Fort Bragg, NC 28307-5000

May A Posey, Champus Representative
10/10/95
Encl 2

ROUTING AND TRANSMITTAL SLIP

Date

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1.		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

6/6/94 - 70.00 - allowed 70.00 total.
 Pd. patent 34.56
 CS 8.64

3/17/94 - 65.00 - allowed 34.50 - Pd. 24.60
 CS 6.90

1/23/94 - 70.00 - Pd. 34.47 - Pd. 27.58
 CS 6.89

1/18 - 1/21/94 - 1,603.46 - 378.38
 67654-28 2,627.28
 413-772-0211 27.40

amount due Hospital

25 27.90

ed McGinn ✓
 2/94 1,641.40 Patient record check
 hipperfield

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No. - Bldg.
	Phone No.

5041-102
 ☆ U.S. G.P.O. 1992 312-070/40022
 OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.206

025-54-3236

Notes from 10/10/95



10/10/95 - Requested Copy of \$ 1,641.40 bill

call back in 2 weeks

Hospital Bill, DOS - 01/18 - 1/21/94.
SAMANT \$ 1,603.46 } Amount due Hospital
Champus Paid 278.38 }

Rebecca - DOS 01/18 - 1/21/94
\$5,654.28
Champus Paid 2,627.28 (CS 27.90)

(Patient - Rebecca)

Jan 18, 1994 - \$2,850.00 - DR. Richard McGuinn ✓ Non assigned
~~2,850.00~~ Pd on 4/07/94 1,641.40 Patient rec'd check
01/28/94 255.00 - DR. Ann Chipperfield
233.00 balance Patient pd 22.00

Dawn ~~Medical Billing Dept~~ Medical Billing Dept

025-54-3236 Notes from 10/10/95

~~scribble~~

10/10/95 - Requested Copy of \$ 1,641.40 check call back in 2 weeks

AdminaStar Defense Services

October 13, 1995

Womack Army Medical Center
TRICARE Business Office
ATTN: Mary Posey
Ft. Bragg, NC 28307-5000

Sponsor SSN : 025-54-3236
Beneficiary : Rebecca Iannelli
Sponsor : Derek Iannelli
CHAMPUS CCN: N/A

Dear Mary,

In response to your inquiry, enclosed is a photocopy of the original check issued for payment on claim number 3694066032421.

If the beneficiary/provider did not receive and/or sign the original check, they need to write to our Program Integrity Unit at:

Program Integrity
P.O. Box 3069
Columbus, IN 47202-3069

Please advise the beneficiary/provider to include, with their written inquiry, this letter and the enclosed photocopy of the original check. Thank you for your cooperation in this matter.

Thank you,



Kim Hutton
Client Specialist

DO NOT REMOVE STAPLES

REVOCATION OF POWER OF ATTORNEY

I, Derek Robert Iannelli-Smith, of HHC, XVIII Aiborne Corps, Fort Bragg, North Carolina 28307, hereby revoke any and all powers of attorney previously signed by me, without regard to the identity of the party or parties designated in such documents to act on my behalf.

Dated September 15, 1995, at Fort Bragg, North Carolina.

Derek Robert Iannelli-Smith
Derek Robert Iannelli-Smith

State of _____)
County of _____) ss:

On this _____ day of SEP 15 1995, 19____, before me, the undersigned, Notary Public for the State/Commonwealth of _____, personally appeared Derek Robert Iannelli-Smith to me known (or to me proved) to be the identical person named in and who executed the above Revocation, and acknowledged that such person executed it as such person's voluntary act and deed.

My Commission expires:

10 AUG 99

Jamie R Devoile
Notary Public

Notary Address:

Jamie R Devoile
Notary Public
Cumberland County NC

Copy delivered to:

Agent:

Rebecca Gwen Iannelli

Address:

21 Pine Street
Greenfield, Massachusetts 01301

This document was prepared by:

Derek Robert Iannelli-Smith
HHC, XVIII Aiborne Corps
Fort Bragg, North Carolina 28307

Thank you for using Return Receipt Service.

SENDER
 Complete items 1 and/or 2 for additional services.
 Complete items 3 and 4 if to:
 Print your name and address on the reverse of this form so that we can
 return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space
 is not permitted.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date
 it was received.

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Attorney Jodie Nolan
 15 Federal Street (Franklin)
 Greenfield, MA 01301
 PO Box 184

4a. Article Number:
 Z 117 635 932

4b. Service Type:
 Registered
 Certified
 Express Mail
 Insured
 IGOB
 Return Receipt for Merchandise

7. Date of Delivery:
 0302-ND1570

8. Addressee's Address (Only if requested and fee is paid):

Signature (Agent):
 [Signature]

GREENFIELD MA 01301
 SEP 21 1995
 U.S. PS 62-714

DOMESTIC RETURN RECEIPT

U.S. Form 3811, December 1991



COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT DIVISION

P. O. BOX 9144
BOSTON, MA 02205-9144
TELEPHONE 1-800-332-2733 (MASS)
TELEPHONE 1-617-727-4444 (OUT-OF-STATE)

BILLING PERIOD

11/01/96 TO 11/08/96

Commissioner
MITCHELL ADAMS

Deputy Commissioner
JERRY J. FAY

ACCOUNT NUMBER
SOCIAL SECURITY NUMBER
025-54-3236

DEREK IANNELLI SMITH 0116
107 RIVERS STREET
WALTERBORO SC 29488

Encl 3

ACCOUNT ACTIVITY FOR BILLING PERIOD

DATE POSTED	PAYMENTS RECEIVED
11/04/96	400.00

Your next support payment is due on 11/22/96
To ensure that your account is credited accurately and promptly,
please return the LOWER portion of this statement with your payment.
Retain the UPPER portion of this statement for your records.

Current Support Obligation 100.00

TOTAL PAYMENT DUE ► 100.00

IMPORTANT: PLEASE SEE REVERSE SIDE FOR ADDITIONAL INFORMATION