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**Item ID Number** 05316

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**Author**

**Corporate Author**

**Report/Article Title** In the United States District Court for the Western District of Wisconsin, United States of America v. James R. Allen, Defendant., Information No. 790R71, 18 U.S.C. 641, with transmittal slip from M. Breinholt, U.S. Department of Agriculture (USDA) to Alvin L. Young, dated February 21, 1980

**Journal/Book Title**

**Year** 1980

**Month/Day** February 21

**Color**

**Number of Images** 13

**Description Notes**

## REFERENCE SLIP

2/21/80

TO

Major A. Young

- |   |   |
|---|---|
| <input type="checkbox"/> ACTION                     | <input type="checkbox"/> NOTE AND RETURN        |
| <input type="checkbox"/> APPROVAL                   | <input type="checkbox"/> PER PHONE CALL         |
| <input type="checkbox"/> AS REQUESTED               | <input type="checkbox"/> RECOMMENDATION         |
| <input type="checkbox"/> FOR COMMENT                | <input type="checkbox"/> REPLY FOR SIGNATURE OF |
| <input checked="" type="checkbox"/> FOR INFORMATION | <input type="checkbox"/> RETURNED               |
| <input type="checkbox"/> INITIALS                   | <input type="checkbox"/> SEE ME                 |
| <input type="checkbox"/> NOTE AND FILE              | <input type="checkbox"/> YOUR SIGNATURE         |

REMARKS

The attached EPA risk brief and other "Information" filed in the hearings may be of interest to you. The brief raises questions which you may be addressing in your statement.

FROM

M. Brunkolt

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

BOOKED INDEXED
U. S. DISTRICT COURT WEST. DIST. OF WISCONSIN FILED
OCT 17 1978
JOSEPH W. BRUNOWITZ, CLERK
CASE NO. 18

UNITED STATES OF AMERICA

v.

JAMES R. ALLEN,

Defendant.

INFORMATION

No.

18 U.S.C. 641

THE UNITED STATES ATTORNEY CHARGES:

COUNT I

1. At all times material to this count, James R. Allen, the defendant, was the Program Director of a training grant, Grant No. 5-T32-GM-07194, awarded to the Regents of the University of Wisconsin, administered by the University of Wisconsin Medical School and funded by the National Institutes of Health, an agency of the Department of Health, Education and Welfare. Said grant included an allocation of funds for travel. To obtain funds from the grant for travel, it was necessary for a University of Wisconsin Travel Expense Report to be submitted to the Research Administration Department of the University of Wisconsin, a Report which was required to be kept for inspection, audit and review by relevant officials of the Department of Health, Education and Welfare.

2. On or about March 21, 1978, in the Western District of Wisconsin, James R. Allen, the defendant, stole money from the United States Department of Health, Education and Welfare by wrongfully obtaining reimbursement for a trip he took to Salt Lake City, Utah, in March, 1978, the theft being accomplished in the following manner: On March 21, 1978, James R. Allen, the defendant, submitted a University of Wisconsin Travel Expense Report in connection with said trip in which he stated that the purpose of the trip was "to interview postdoctoral candidates in Salt Lake City," a statement he knew was false.

(Title 18, United States Code, Section 641.)

APPENDIX C

## COUNT II

1. The allegations of paragraph 1 of Count I are repeated and realleged as though fully set forth in this count.

2. On or about June 20, 1978, in the Western District of Wisconsin, James R. Allen, the defendant, stole money from the United States Department of Health, Education and Welfare by wrongfully obtaining reimbursement for a trip he took to Colorado in May-June of 1978, the theft being accomplished in the following manner: On June 20, 1978, James R. Allen, the defendant, submitted a University of Wisconsin Travel Expense Report in connection with said trip in which he stated that the purpose of the trip was "to visit CSU Physiology Department to formulate joint research project; to interview postdoctoral candidate," a statement he knew was false.

(Title 18, United States Code, Section 641.)

## COUNT III

1. The allegations of paragraph 1 of Count I are repeated and realleged as though fully set forth in this Count.

2. On or about June 9, 1978, in the Western District of Wisconsin, James R. Allen, the defendant, stole money from the United States Department of Health, Education and Welfare by wrongfully obtaining reimbursement for a trip his son, Christopher Allen, took to Colorado in May-June of 1978, the theft being accomplished in the following manner: On June 9, 1978, James R. Allen, the defendant, submitted a University of Wisconsin Travel Expense Report in connection with said trip in which he represented that the person requesting reimbursement for travel was Walter Hargraves, a representation he knew was false.

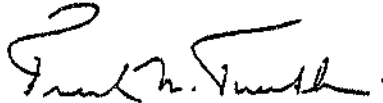
(Title 18, United States Code, Section 641.)

COUNT IV

1. The allegations of paragraph 1 of Count I are repeated and realleged as though fully set forth in this Count.

2. On or about March 21, 1979, in the Western District of Wisconsin, James R. Allen, the defendant, stole money from the United States Department of Health, Education and Welfare by wrongfully obtaining reimbursement for a trip he made to Colorado in March of 1979, the theft being accomplished in the following manner: On March 21, 1979, James R. Allen, the defendant, submitted a University of Wisconsin Travel Expense Report in connection with said trip in which he stated that the purpose of the trip was "to interview candidates for training program," a statement he knew was false.

(Title 18, United States Code, Section 641)



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Frank M. Tuerkheimer  
United States Attorney



United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF WISCONSIN

P. O. Box 112, FEDERAL BUILDING

MADISON, WISCONSIN 53701

808-252-3133

FTS 364-3133

October 15, 1979

Mr. Charles Neider  
Attorney at Law  
802 E. Gorham Street  
Madison, WI 53703

RE: United States v. James R. Allen

Dear Mr. Neider:

This letter is designed to confirm a plea agreement entered into between myself on behalf of the United States and yourself on behalf of Dr. James R. Allen.

Dr. Allen will plead guilty to the four-count information attached to this letter. This guilty plea will be in satisfaction of all criminal liability arising out of the trips which are the subject of the information, Dr. Allen's Grand Jury testimony, and any possible criminal charges based on the submission of Statements of Appointment of Trainee executed by Dr. Allen and Dr. Allen's use of a federally funded long distance telephone line (608/263-3524) for private purposes. In addition, Dr. Allen will provide an affidavit, the contents of which have been agreed to between us and he will make restitution to the United States in the amount of \$892.00, representing the amount he obtained by theft from the United States in connection with the four trips which are the subject of the information. The affidavit will be provided prior to the entry of the guilty plea; restitution will be made before sentence.

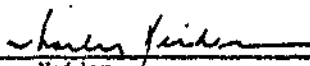
It is understood that I will make no recommendation at the time of sentence but reserve the right to make whatever comments I deem relevant to the sentencing process to the Court and the Probation Officer.

If this letter is in accordance with your understanding of our agreement, please sign the copy and return it to me.

Yours truly,

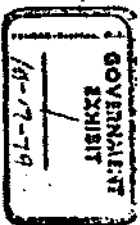
  
Frank M. Tuerkheimer  
United States Attorney

FMT:rl  
Encs.

  
Charles Neider  
Attorney for James R. Allen







849388231 SHERWINSON TRAVEL AGENCY MADISON WIS RP 40000 06		26 MAY 79 29720001		11.01 03097		041 8449388231 4 0	
1	2	3	4	5	6	7	8
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DEANER	A	05 1091	ED				
DEANER	S	02 97514	353				
MADISON	S	02 97514	353				
2818							
1830	24698						

(Please print)

ROOM # 470 last name Hargraves first name Walter initial A  
 ADDRESS 470 W. Charles St  
 CITY Madison STATE WV ZIP 25706  
 NUMBER PERSONS 1 BATHROOM NOS. ( )

Method of Payment:  Cash  Credit Card  DINR ID  
 Number \_\_\_\_\_

**ADVANCE PAYMENT REQUESTED**

NOTICE TO GUESTS: This property is privately owned and the management reserves the right to refuse service to anyone, and will not be responsible for accidents or injury to guests, or for loss of money, jewelry, or other valuables of any kind.

SIGNATURE Walter Hargraves

DATE OF ARRIVAL 5-30-78 DATE OF DEPARTURE 6-1-78 CHECK OUT TIME 11:00  
 RATE 19.00

DAYS OCCUPIED							ROOMS AMOUNT
S	M	T	F	S	S		
							36.00

PHONE \_\_\_\_\_  
 ROBES \_\_\_\_\_  
 SKI LIFTS \_\_\_\_\_  
 BAR \_\_\_\_\_  
 RESTAURANT \_\_\_\_\_

TAX 1.80  
 TOTAL 37.80

Thank you

**NEW SHERIDA**

Mullie

Spent night in Denver in  
order to get early flight out  
following morning -

Total bill was \$44.08  
for 2 people

It would be impossible  
to get a decent room  
in Denver for 2 people for \$22.00.

The other person D. Hargrave,  
also has a bill for \$22.08 -  
ie. we split the bill.

P.S. In fact, I paid for both of us  
from my check card - see  
enclosed - and he paid me  
back.



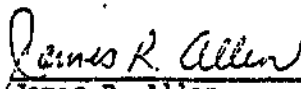
employee of the Experimental Pathology Unit of the University of Wisconsin Department of Pathology. The purpose of our trip was to relax in Telluride and visit a vacant parcel of land in Telluride owned by my wife. I also hoped to prepare a proposal for a joint research project to be conducted with Colorado State University at Fort Collins, and to visit the High Altitude Laboratory at Colorado State University to see the facility and to discuss the proposed joint project. Although I prepared the proposal, I never did visit Colorado State University on that trip, although I had ample opportunity to do so. Nevertheless, both in correspondence with Mildred Gaiger, a secretary in the Pathology Department and in the making of flight reservations to Fort Collins and the submission of airline vouchers, I intended to create both the impression that the training grant purpose to the trip was to interview postdoctoral candidates and that I went to Fort Collins. Both impressions were false: I did not intend to and did not interview postdoctoral candidates and I did not go to Fort Collins. In submitting a Travel Expense Report for myself, I falsely stated that the purpose of the trip was to interview postdoctoral candidates in Fort Collins.

4. To obtain reimbursement for Christopher Allen's expenses on the trip referred to in numbered paragraph 3, above, I forged the name Walter Hargraves, a trainee on the grant, onto the Travel Expense Report. Hargraves did not accompany me on this trip, nor did he consent to my placing his name on the report. When Hargraves received a check for the trip, he endorsed it and turned it over to me. I used the proceeds to reimburse myself for Christopher Allen's travel expenses.

5. In March, 1979, I again attended a Toxicology Conference, this time in New Orleans, Louisiana. I did not

fly directly to New Orleans for this conference; rather I left the weekend prior to the Monday conference commencement date and flew to Montrose, Colorado. The purpose of this trip to Colorado was to spend the weekend skiing. I also hoped to meet with Dr. John Lehman at the University of Colorado Medical School in Denver to review the University's training program. In the week preceding the conference, both my conduct in making telephone arrangements with Dr. Lehman, and airline reservations that purported to involve a Monday departure from Madison, a stop-over in Denver and a continuation on the same day to New Orleans, would have permitted a person to gain the impression that the purpose of the stop-over in Colorado was to meet with Dr. Lehman, and that the stop-over was of but a few hours duration. Both impressions would have been false. In fact, although I had ample opportunity to meet with Dr. Lehman, I did not do so. Further, I did not intend to meet nor did I interview candidates for the training program in Colorado and a statement to that effect in the Travel Expense Report in which I sought reimbursement for the Colorado detour was false.

6. In providing this affidavit to the United States Attorney's office, I understand that it will be made part of the public record in the prosecution against me and that it may be used for whatever purpose deemed relevant by the United States Departments of Justice and Health, Education and Welfare.

  
James R. Allen

Subscribed and sworn to before me  
this 17 day of October 1979.

  
\_\_\_\_\_

Notary Public, State of Wisconsin  
My Commission is permanent.

DEFENDANT

JAMES R. ALLEN

DOCKET NO. 79-CR-71

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR November 27 1979

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Charles Neider, David Pelles (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of Theft of public moneys, in violation of Title 18, U.S.C. §641.

Stamp: 5, 1979

The court asked whether defendant had anything to say why judgment should not be pronounced... The court adjudged the defendant guilty as charged and convicted and ordered that:

SENTENCE OR PROBATION ORDER

On Count I: Defendant is fined the sum of \$1,000. The fine is to be paid by December 31, 1979.

On Count II: Defendant is fined the sum of \$1,000. The fine is to be paid by December 31, 1979.

On Count III: Defendant is fined the sum of \$1,000. The fine is to be paid by December 31, 1979. The imposition of sentence as to imprisonment only is suspended and the defendant is placed on probation for a period of six months upon the terms and conditions set forth in the general order of this court entered September 23, 1979 as amended.

SPECIAL CONDITIONS OF PROBATION

On Count IV: Defendant is fined the sum of \$1,000. The fine is to be paid by December 31, 1979.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

James E. Doyle

U.S. Magistrate

Date November 27, 1979