

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

CASE NO.: 3:18cr40/MCR

v.

RICHARD E. KOHL

STATEMENT OF FACTS

The parties agree with the truthfulness of the following factual basis for the Defendant's guilty plea. The undersigned parties further agree that not all of the facts known from this investigation are contained in this brief summary.

At some point prior to July 3, 1996, the Defendant Richard E. KOHL (hereinafter "KOHL") created and signed a fictitious Form DD-214 that falsely reported that KOHL served in the United States Marines (hereinafter "USMC") during the Korean War, and was discharged on December 20, 1961. Even though KOHL never served in the military, KOHL used the false Form DD-214 as proof of his military service to obtain Veterans' benefits that he was not entitled to receive. In total, KOHL received benefit payments and services totaling approximately \$219,719.39 from the Department of Veterans Affairs ("VA").

On July 3, 1996, KOHL applied for VA benefits using the false DD-214 as proof of his military service. The VA responded to KOHL's first claim and

notified him that the VA was unable to locate any records for him, and requested that KOHL submit his original DD-214 to the VA. KOHL responded and indicated he did not have an original copy, but attached a copy of the DD-214 to his response. At that time, KOHL's application for VA benefits required him to show proof that he had medical issues (injuries) relating to an injury that occurred during his time of military service. KOHL claimed on his DD-214 that he was injured as a result of being shot in the foot during the Korean War. KOHL claimed to have received a Purple Heart as a result of his injury. However, due to the fact the VA did not have any medical records for KOHL, and the fact that KOHL could not provide any medical records to support the claim, his claim was denied by the VA.

On February 3, 2005, KOHL submitted a second application to the VA requesting VA pension benefits relating to current vision problems he was experiencing. Unlike KOHL's first claim, this claim did not have to be a service-related injury. Rather, KOHL simply had to prove that he was a veteran, and submit medical records indicating that he currently had a disability. KOHL submitted medical records that confirmed he had vision problems that eventually led to KOHL being blind.

On May 23, 2005, the VA approved KOHL's request for VA pension benefits. In addition, the VA agreed to pay KOHL pension benefits retroactively dating back to March 1, 2005. The VA pension payments continued until February

9, 2018, when the VA stopped the payments due to discovering the fraud. In total, between May 23, 2005, and February 9, 2018, KOHL received approximately \$111,403 in VA pension payments for his disability.

In addition to the VA pension payments, between February 3, 2005, and January 11, 2018, KOHL received health care treatment and benefits in Pensacola, Florida, which totaled approximately \$45,127.39. During his treatment in Pensacola, Florida, healthcare providers assisted KOHL in being able to stay in a Blind Rehabilitation Program facility at the Biloxi VA Medical Center in Biloxi, Mississippi from on or about June 1, 2017, to on or about July 21, 2017 (51 days). The cost of that treatment equaled approximately \$63,189.

In total, KOHL received benefit payments and services totaling approximately \$219,719.39 ($\$111,403 + \$45,127.39 + \$63,189 = \$219,719.39$) from the VA, to which he was not entitled.

On January 31, 2018, VA special agents interviewed KOHL at a VA medical center in Pensacola, Florida. KOHL was not in custody and agents asked him if he was willing to answer their questions. KOHL agreed to answer their questions. In sum, KOHL initially told agents that he served in the USMC for ten years. KOHL stated he served in the Korean War, but indicated he did not have any injuries. Agents informed KOHL there were no records of him ever serving in the military. When confronted further, KOHL admitted to lying, and to having never served in

the military. KOHL admitted that he created the false Form DD-214 and as a result, he had received medical and financial benefits from the VA, which he should not have received.

ELEMENTS


The Defendant can be found guilty of theft of government money or property in violation of Title 18, United States Code, Section 641, if the following facts are proved beyond a reasonable doubt:

First: the money or property described in the indictment belonged to the United States;


Second: the Defendant embezzled, stole or converted the money or property to his own use or to someone else's use;

Third: the Defendant knowingly and willfully intended to deprive the United States of the use or benefit of the money or property; and

Fourth: the money or property had a value greater than \$1,000.




RANDALL LOCKHART
Attorney for Defendant

7-2-18
Date 

RICHARD E. KOHL
Defendant

7-2-18
Date _____

CHRISTOPHER P. CANOVA
United States Attorney



J. RYAN LOVE
Assistant U.S. Attorney
Florida Bar No. 0637920
Northern District of Florida
21 E. Garden Street, Suite 400
Pensacola, Florida 32502-5675
850-444-4000

7-5-18
Date _____