

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

VS.

ROBERT BITTENBENDER,  
Defendant

CRIMINAL NO. 3:06 CR 136

INDICTMENT

THE GRAND JURY CHARGES:

COUNT I

CONSPIRACY

FILED  
SCRANTON  
APR 11 2006  
PER [Signature]  
DEPUTY CLERK

A. THE CONSPIRACY AND ITS OBJECTS

In or about April 1999 and continuing to April 2003 in the Middle District of Pennsylvania,

ROBERT BITTENBENDER

knowingly and willfully conspired and agreed together with David Fellerman, Amy Bittenbender and four other adult individuals, either former employees or patients whose identities are known to the Grand Jury, named as co-conspirators not as defendants in this Indictment, to use the United States Mail to submit fraudulent claims for reimbursements to Blue Cross/Blue Shield of Northeastern Pennsylvania and to unlawfully obtain monies as a result of those claims to which there was no entitlement in violation of Title 18, United States Code, Section 1341.

B. MANNER AND MEANS

To effect the objects of the conspiracy, the conspirators committed the following overt acts, among others, in the Middle District of Pennsylvania:

1. From April 1999 to April 2003 the conspirators caused claims for reimbursement to be completed for services fraudulently altered but not performed.

2. From April 1999 to April 2003 the conspirators caused the fraudulent claims to be mailed to Blue Cross.

3. From April 1999 to April 2003 the conspirators caused Blue Cross to pay the fraudulent claims and to mail checks totaling in excess of \$200,000 to the co-conspirators at the addresses, within the Middle District of Pennsylvania, listed in the fraudulent claim forms.

4. From April 1999 to April 2003 the conspirators divided the monies illegally obtained by fraud from Blue Cross.

In violation of Title 18, United States Code, Section 371.

THE GRAND JURY ALSO CHARGES:

**COUNT II**

**MAIL FRAUD**

**A. INTRODUCTION**

At all times material to this Indictment:

1. Robert Bittenbender was an adult individual residing in the Middle District of Pennsylvania.

2. Robert Bittenbender was a licensed chiropractor who shared expenses and space at various locations within the Middle District of Pennsylvania with David Fellerman, also a licensed chiropractor.

3. Robert Bittenbender was a provider to Blue Cross/Blue Shield of Northeastern Pennsylvania (Blue Cross).

4. Blue Cross has an office located in Wilkes Barre, Pennsylvania.

**B. PURPOSE OF THE SCHEME AND ARTIFACT TO DEFRAUD**

5. From April 2000 to April 2003 in the Middle of Pennsylvania,

**ROBERT BITTENBENDER**

willfully and knowingly devised and intended to devise a scheme and artifice to defraud and to obtain money from Blue Cross by submitting fraudulent claims for reimbursement which contained false representations.

**C. THE SCHEME AND ARTIFICE**

6. In one aspect of this mail fraud scheme, from January 1999 through the end of 2001 Bittenbender solicited the assistance of Amy Bittenbender as well as patients and employees to obtain payments from Blue Cross to which there was no entitlement. Either Bittenbender or the patient or employee, under his direction, completed the requisite insurance forms for services that were never performed and mailed them to Blue Cross. The reimbursements, in excess of \$130,000, would be split with Bittenbender, who received cash.

7. In a second aspect of this fraud, from March 1999 through April 2003, Bittenbender caused false claims to Blue Cross, identifying either himself or his then minor child as patients of David Fellermen, for services that were never performed to be mailed to Blue Cross, reimbursements totaled in excess of \$70,000.

**D. THE MAILINGS**

10. In 2000 in the Middle District of Pennsylvania,

**ROBERT BITTENBENDER**

for the purpose of executing and attempting to execute a scheme and artifice to defraud, did knowingly cause to be sent and delivered by mail claims for reimbursements to Blue Cross, Wilkes Barre, Pennsylvania and did knowingly cause Blue Cross to send and cause to be

delivered by mail checks, in excess of \$92,000, to various individuals at addresses within the Middle District of Pennsylvania as listed on the false claim forms.

In violation of Title 18, United States Code, Section 1341.

THE GRAND JURY ALSO CHARGES:

**COUNT III**

**MAIL FRAUD**

11. The United States re-alleges and incorporates by reference, as though fully stated here, paragraphs 1 through 7 of the Indictment as constituting the scheme.

12. In 2000 in the Middle District of Pennsylvania,

**ROBERT BITTENBENDER**

for the purpose of executing and attempting to execute a scheme and artifice to defraud, did knowingly cause to be sent and delivered by mail claims for reimbursements to Blue Cross, Wilkes Barre, Pennsylvania and did knowingly cause Blue Cross to send and cause to be delivered by mail checks, in excess of \$71,000, to various individuals at addresses within the Middle District of Pennsylvania as listed on the false claim forms.

In violation of Title 18, United States Code, Section 1341.

THE GRAND JURY ALSO CHARGES:

**COUNT IV**

**MAIL FRAUD**

13. The United States re-alleges and incorporates by reference, as though fully stated here, paragraphs 1 through 7 of the Indictment as constituting the scheme.

14. In 2001 in the Middle District of Pennsylvania,

**ROBERT BITTENBENDER**

for the purpose of executing and attempting to execute a scheme and artifice to defraud, did knowingly cause to be sent and delivered by mail claims for reimbursements to Blue Cross, Wilkes Barre, Pennsylvania and did knowingly cause Blue Cross to send and cause to be delivered by mail checks, in excess of \$45, 000, to various individuals at addresses with the Middle District of Pennsylvania as listed on the false claim forms.

In violation of Title 18, United States Code, Section 1341.

THE GRAND JURY ALSO CHARGES:

**COUNT V**

**INCOME TAX EVASION**

That during the calendar year 1999,

**ROBERT BITTENBENDER**

a resident of Luzerne County, Pennsylvania, had and received taxable income; that upon said taxable income there was owing to the United States of America an income tax; that well-knowing and believing the foregoing facts, Bittenbender on or about April 15, 2000, in the Middle District of Pennsylvania, did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year by failing to make an income tax return on or before April 15, 2000, as required by law, to any proper officer of the Internal Revenue Service said income tax, and by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income.

In violation of Title 26, United States Code, Section 7201.

THE GRAND JURY FURTHER CHARGES:

**COUNT VI**

**INCOME TAX EVASION**

That during the calendar year 2000,

**ROBERT BITTENBENDER**

a resident of Luzerne County, Pennsylvania, had and received taxable income; that upon said taxable income there was owing to the United States of America an income tax; that well-knowing and believing the foregoing facts, Bittenbender, on or about April 15, 2001, in the Middle District of Pennsylvania, did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year by failing to make an income tax return on or before April 15, 2001, as required by law, to any proper officer of the Internal Revenue Service said income tax, and by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income.

In violation of Title 26, United States Code, Section 7201.

THE GRAND JURY FURTHER CHARGES:

**COUNT VII**

**INCOME TAX EVASION (SPIES)**

That during the calendar year 2001,

**ROBERT BITTENBENDER**

a resident of Luzerne County, Pennsylvania, had and received taxable income; that upon said taxable income there was owing to the United States of America an income tax; that well-knowing and believing the foregoing facts, Bittenbender, on or about April 15, 2002, in the Middle District of Pennsylvania, did willfully attempt to evade and defeat the said income tax

due and owing by him to the United States of America for said calendar year by failing to make an income tax return on or before April 15, 2002, as required by law, to any proper officer of the Internal Revenue Service said income tax, and by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income.

In violation of Title 26, United States Code, Section 7201.

A TRUE BILL

Thomas A. Marino  
THOMAS A. MARINO *bww*  
United States Attorney



Date: April 11, 2006