

Don FLEMING, d/b/a Green Valley Feed Mill, Appellant,
v.
UNITED STATES of America, Appellee.

No. 7591.

United States Court of Appeals Tenth Circuit.

September 3, 1964.

The court made no finding as to damages, but concluded that "Pursuant to the provisions of Title 31 U.S.C. 231, the plaintiff is entitled to double the damages sustained as a result of the Hubert Beasley claim which was in the amount of \$396.20, for a total of \$792.40."

The sole contention raised by Fleming is that the United States, in order to establish its case under the False Claims Act, must prove all the elements ordinarily required in an action for damages for fraud, and that since the United States did not do so, the court erred in entering judgment for the United States. We are of the opinion that the meaning of the portion of the Act applicable to Fleming is clear and unambiguous and contains no such requirement.

480 *480 Proof of damage to the Government resulting from a false claim is not a necessary part of the Government's case under the Act.^[2] If damage is proved by the Government, as it was in the instant case as to one of Fleming's false claims, it is entitled to recover double the amount so proved in addition to the \$2,000 forfeiture, but upon adequate proof of the making of a claim upon the Government, knowing it to be false, the United States is entitled, without proof of damage, to recover the forfeiture.

Under the first portion of § 231 it is necessary only that the claimant made a claim upon or against the Government of the United States, knowing it to be false, in order to incur liability.

Fleming caused the 15 Farmers Purchase Orders to be presented to the County Committee for the purpose of obtaining Dealers Certificates, which were valuable pieces of property, and in our opinion such Purchase Orders were claims as contemplated by the False Claims Act.^[3] And the Commodity Credit Corporation is a part of the "Government of the United States" for purposes of the Act.^[4]

The fact that Fleming caused 15 Purchase Orders to be filed, knowing that the statements contained therein that the feed had been "actually delivered" to the purchaser were false, is uncontroverted and Fleming does not contend otherwise. Thus, the United States proved, and the court below found all the facts necessary to establish Fleming's liability for forfeitures for 15 violations of the Act and for double the damages suffered by the United States as the result of one of such claims.

The judgment is affirmed.