

EM Risk Management Seeking Recovery of \$12,000, Possible Prosecution in Tompkins County Workers' Compensation Fraud Case

EM Risk was notified by the Board Panel that the Panel has successfully disallowed a claim for the injured workers' violation of Section 114-a (workers' compensation fraud). This matter related to a Tompkins County employee who had alleged a work-related injury to his back occurring on May 11, 2006.

The employee intentionally omitted information of a prior back disability to the self-insured employer, the third party administrator and the Board. Arguments to support the violation included inconsistencies in the claimant's testimony, and substantial witness and medical provider testimony noting that the person did sustain at least one non-work-related accident where he previously injured his back.

The Board Panel went so far as to state for the record that it is undisputed the claimant violated WCL Section 114-a in this matter, but also that the claimant's violations of WCL Section 114-a were egregious.

The claimant specifically denied any prior injury or traumatic events to his back during all of the following:

- EM Risk's initial investigation of the claim;
- The claimant's completion of written questionnaire EM Risk sends to all injured workers as a result of the first report of injury;
- Independent medical examination interview;
- Claimant's testimony at the Workers' Compensation Board (where he did admit under oath to a prior accident where he slipped and fell on ice).

The claimant blatantly misrepresented his entitlement to benefits under this claim, and the Board Panel further questioned the validity of the existence of any work-related injury on May 11, 2006.

At present, the Board has precluded the claimant from receiving any further benefits associated with the claim. EM Risk is pursuing the claimant's refund of the \$12,000 mandated as paid out on this claim, as well as possible criminal prosecution of the claim with the Tompkins County District Attorney and the New York State Office of the Inspector General.