

An aerial photograph of a city skyline, likely New York City, featuring numerous skyscrapers and a river. A prominent water tower is visible in the foreground. The image is used as a background for the advertisement.

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Jones Jones

Suspected Fraud: Working with The Fraud Inspector General (IG) at the Attorney General's Office

When criminal fraud, such as an employee making up a false claim, is suspected in a Workers' Compensation case, it can be difficult to navigate and even more difficult to prove. This is because we know that the Board presumes all claimants are telling the truth, until proven guilty. Fortunately, the Fraud Inspector General (IG) at the Attorney General's Office can be helpful when navigating such situations.

The Fraud Inspector General (IG) at the Attorney General's Office can be reached through both an 800 number and a form for anyone to report suspected worker's compensation fraud. Below you will find some facts outlining what it can be like to work with the IG's office.

- The IG's office investigates every referral of false claims made to determine if the report warrants further investigation as to whether criminal fraud charges can be filed outside of the WC system. While the IG's office is candid in saying initial claim fraud cases are the most difficult to prove and obtain a conviction, it can be done.
- The IG's office is not held to the same time constraints that carriers or employers working with the Worker's Compensation Board are. They can take the full amount of time needed to thoroughly investigate a suspicious claim and obtain the necessary evidence to defend the claim.
- The IG's office has additional resources that the Worker's Compensation Board does not to obtain necessary evidence and make the appropriate referral to the county District Attorney if warranted.
- If successful, the IG's office will work to arrange a plea bargain whereby the fraudulent claimant will need to pay back both indemnity **and** medical payments a carrier may have made if the case was established by the Board.
- Ultimately, even if only a few of these referrals get to a prosecution level, the fact that these referrals are being made and investigated will likely become known to employees and can help reduce the amount of initial fraudulent claims made.

We recommend that any referrals come from the employer directly, as they would be in the position to have the most information/evidence regarding the alleged fraud. Additionally, the Board take notice that the employer is the true victim of the fraudulent activity. The team at Jones Jones LLC is available to advise and assist with these referrals in any way possible.

For more information on the Fraud Inspector General (IG) at the Attorney General's Office please visit <https://ig.ny.gov/>.

For more information on how Jones Jones LLC can help you navigate these types of situations, please visit <https://jonesjonesllc.com/>.

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