



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Public Report
September 23, 2008

**OCFS Seeks To Fire Aide After Inspector General
Finds Disability Fraud**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Office of the New York State Inspector General found that Ronnie Wesley, a Youth Development Aide at the New York State Office of Children and Family Services (OCFS), made false statements on a claim for workers' compensation. Wesley falsely stated that he had no other employment besides his job at OCFS when in fact he was working a second career with the United States Postal Service.

Wesley was arrested on May 7, 2008. The case is pending in Albany City Court. The Inspector General recommended that OCFS take disciplinary action against Wesley. Further, the New York State Insurance Fund and the New York State Workers' Compensation Board should recoup workers' compensation benefits paid to Wesley. OCFS suspended Wesley and is seeking his termination.

ALLEGATION

On November 28, 2007, the Inspector General received a complaint from the New York State Workers' Compensation Board that OCFS employee Ronnie Wesley unlawfully filed a New York State Workers' Compensation claim dated September 19, 2007 in which Wesley falsely stated he was not employed elsewhere at the time of his injury nor had he performed any work during the period of his disability. It was alleged that Wesley was employed with the United States Postal Service during the entire period he claimed to be too injured to perform his OCFS duties.

SUMMARY OF INVESTIGATION

Ronnie Wesley has been employed full time by the New York State Office of Children and Family Services (OCFS) as a Youth Division Aide at the Ella McQueen Residential Facility in Brooklyn, New York since May 1990. In addition to his duties at

OCFS, Wesley has maintained a full-time career as a clerk with the United States Postal Service since 1980.

Until 2007, Wesley had requested and received annual permission from OCFS to engage in secondary full-time employment. Wesley worked from 11:00 PM – 7:30 AM for the Postal Service and from 8:00 AM to 4:30 PM for OCFS. In April 2007, Wesley's annual request for dual employment was denied by OCFS due to his poor attendance at the McQueen Facility. Notwithstanding the denial, Wesley continued his dual employment.

While attending an OCFS-sponsored training during his normal work hours on September 12, 2007, Wesley was riding in an elevator that malfunctioned and reportedly fell from the 23rd to the 18th floor. Wesley filed a claim with the Workers' Compensation Board alleging injury to his back, neck, and knees. Although others confirmed the elevator malfunctioned, none of the others present in the elevator at the time of the incident submitted a request for workers' compensation benefits, according to the Workers' Compensation Board.

On the evening of the elevator incident, Wesley worked his normal full shift for the Postal Service. In fact, Wesley did not miss any shifts at the Postal Service due to the alleged injury. However, on September 19, 2007, Wesley submitted a New York State Workers' Compensation Claim Form asserting that because of the injury he sustained on September 12, 2007, he was unable to return to his duties at OCFS and was seeking medical assistance, physical therapy, and financial assistance from the state.

The document submitted by Wesley was Workers' Compensation Board Employee's Claim for Compensation form C-3, which must be completed by a claimant to initiate workers' compensation payments. The form requires the claimant to identify the injured party, facts surrounding the injury, employer information, and other relevant information. The form contains a notice stating, "Any person who knowingly and with the intent to defraud presents, causes to be presented, or prepared with knowledge of belief that it will be presented to, or by an insurer, or self insurer, information containing any false material statement or conceals any material fact shall be guilty of a crime and subject to substantial fines and imprisonment."

Wesley failed to reveal on the form C-3 he submitted that he maintained secondary employment with the United States Postal Service. In answering question (B)(3) regarding employers, Wesley falsely stated that he was not employed by any other employer at the time of his injury. After this investigation began, Wesley amended his claim, filing a second form C-3 on February 19, 2008, in which he accurately reported that he had secondary employment.

The New York State Insurance Fund is the workers' compensation insurance company for New York State agencies including OCFS. Based on the claim Wesley filed with the New York State Workers' Compensation Board on September 19, 2007, he received over \$5,200 from the State Insurance Fund in January 2008. According to

officials at the New York State Workers' Compensation Board, Wesley would not have received any compensation had he admitted to continuing his secondary full-time employment.

Wesley was interviewed by investigators from the Inspector General and the Workers' Compensation Board Office of the Fraud Inspector General on March 13, 2008, at which time he acknowledged working for the United States Postal Service absent permission to engage in secondary employment. During the interview, Wesley stated he may have misunderstood the compensation claim form regarding his working or collecting of wages anywhere else at the time of the claim, or words to that effect. However, Wesley also acknowledged that he was familiar with the form at issue because he previously filed for workers' compensation benefits in 2001.

FINDINGS AND RECOMMENDATIONS

The Office of the New York State Inspector General (Inspector General) found that New York State Office of Children and Family Services (OCFS) employee Ronnie Wesley unlawfully filed a workers' compensation claim in which he falsely stated that he was employed only by OCFS when in fact he was continuously working full time for the United States Postal Service. Wesley's false statement resulted in him receiving over \$5,200 in workers' compensation benefits to which he was not entitled.

On May 7, 2008, after a joint investigation by the Inspector General and the Workers' Compensation Board Office of the Fraud Inspector General, New York State Police arrested Ronnie Wesley for offering a false instrument for filing in the first degree and defrauding the government. The case is pending in Albany City Court.

In addition, the Inspector General determined that Wesley continued to engage in secondary full-time employment with the United States Postal Service absent permission from OCFS.

The Inspector General recommended that OCFS take disciplinary action against Wesley. Further, the New York State Insurance Fund should coordinate with the New York State Workers' Compensation Board to recoup workers' compensation benefits paid to Wesley.

In response to the Inspector General's recommendation, OCFS suspended Wesley on September 5, 2008, pending disciplinary proceedings in which OCFS will seek Wesley's termination.