

**WORKERS' COMPENSATION FRAUD IS A
CRIME. THERE ARE MANY TYPES OF
FRAUD WITHIN THE WORKERS'
COMPENSATION SYSTEM**

Uninsured Employers:

Failing to have workers' compensation insurance coverage for their employees when required by law is a crime punishable by up to one year in jail and a fine of at least \$10,000.

Applicant Fraud:

An employee who lies to receive benefits may be guilty of a felony punishable up to five years and \$150,000 fine. Some ways in which this crime can be committed include: reporting an injury occurred on the job when it did not happen; receiving benefits while working another job that is not reported; failing to disclose prior relevant injuries; or exaggerating physical disabilities or limitations.

Employer Fraud:

Employers that wrongfully deny an injured worker their entitled benefits or discourage an injured worker from pursuing a claim may be guilty of a felony punishable by up to five years and \$150,000 fine. An example is making a false or fraudulent statement to prevent an employee from filing a claim.

Premium Fraud:

Employers who lie to reduce their insurance premium may be guilty of a felony punishable by up to five years and \$50,000 fine. Examples include paying employees in cash and not reporting them as employees; not accurately describing employees' duties; or falsely reporting the payroll.

Provider Fraud:

Medical providers who commit fraud in connection with workers' compensation may be guilty of a felony punishable by up to five years and \$50,000 fine. Examples include billing for treatment not provided; or illegally recruiting patients.

RELATED LINKS AND AGENCIES

Monterey County District Attorney's Office
<http://www.co.monterey.ca.us/da/>
Phone: (831) 755-5070 / Fax: (831) 883-7596

California Department of Insurance
<http://www.insurance.ca.gov/>
Phone: (408) 201-8800 / Fax: (408) 779-7299

**California Employment Development
Department**
<http://www.edd.ca.gov/>
*State agency for unemployment insurance,
disability insurance, employment and training,
payroll taxes, and more.*

**California Department of Industrial
Relations**
<http://www.dir.ca.gov/>
*State agency that was established to improve
working conditions for California's workers.*

**California Department of Industrial
Relations, Workers' Compensation Division**
http://www.dir.ca.gov/dwc/dwc_home_page.htm
*This division minimizes the adverse impact of
work-related injuries on California employees
and employers.*

**California Department of Industrial
Relations, Labor Commissioner**
<http://www.dir.ca.gov/dlse/dlse.html>
*This division was established to adjudicate wage
claims, investigate discrimination and public
works complaints, and enforce Labor Code
statutes and Industrial Welfare Commission
orders.*

**California Department of Industrial
Relations, Cal/OSHA**
<http://www.dir.ca.gov/dosh/dosh1.html>
*This division protects workers and the public
from safety hazards.*

**DISTRICT ATTORNEY'S
WORKERS' COMPENSATION
INSURANCE FRAUD UNIT**

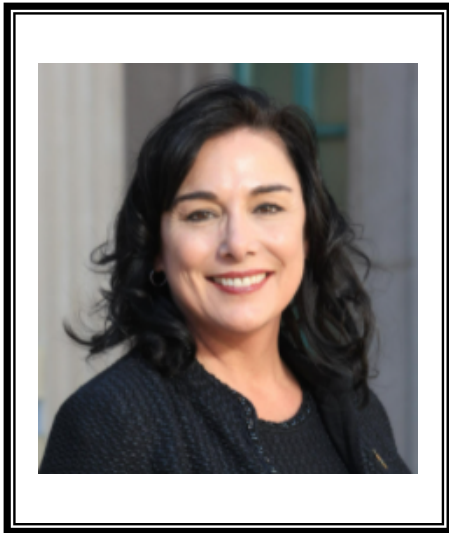


Jeannine M. Pacioni
District Attorney, Monterey County

MISSION

**DETECT AND DETER
WORKERS' COMPENSATION
FRAUD BY INVESTIGATING
AND PROSECUTING ALL
FORMS OF FRAUD; KEEP THE
PUBLIC INFORMED THROUGH
ANTI-FRAUD OUTREACH
PRESENTATIONS.**

***A MESSAGE FROM
MONTEREY COUNTY
DISTRICT ATTORNEY,
JEANNINE M. PACIONI***



Workers' Compensation is a no-fault system that benefits both employees and employers. It benefits workers by providing medical care and other benefits when they are injured on the job. It benefits employers by offering protection from civil lawsuits for job-related injuries. Fraud within the Workers' Compensation system is a problem that costs the public billions of dollars each year. Our dedicated unit is committed to the investigation and prosecution of Workers' Compensation fraud wherever it is found.

TIP LINE

***To report any form of fraud call:
831-755-3224***

**WORKERS' COMPENSATION
FRAUD INVESTIGATION AND
PROSECUTION**

The Monterey County District Attorney's Office Workers' Compensation Fraud Unit includes a prosecutor who vertically prosecutes all workers' compensation fraud cases from filing through sentencing. The unit has two dedicated investigators who provide additional investigation for cases that are submitted from an insurance company and also investigate cases from inception. Additionally, the unit works closely with investigators from the California Department of Insurance, Morgan Hill office.

Our unit has an aggressive campaign to identify, investigate and prosecute any unscrupulous doctors, lawyers, employers and applicants who have filed fraudulent claims. The unit also investigates and prosecutes any employers who unlawfully deny an injured worker their entitled benefits.

The unit has a program that targets employers who fail to obtain insurance for their employees or who fraudulently obtain insurance at less than the proper rate.

The area of Workers' Compensation Insurance is important due to the growing cost of insurance and the fraudulent claims and abuses. By halting the flow of fraudulent claims, fraudulent medical billings and employer premium fraud, confidence is restored in the workers' compensation system for employers and employees. We are committed to making the workers' compensation system work for those who need it.

**WORKERS' COMPENSATION
FRAUD COSTS EVERYONE IN
THE LONG RUN**

Reporting Fraud:

As with any crime, the public is pivotal in reporting criminal activity in order to improve government services, stop fraud and abuse that cost our entire community. If you have information regarding any form of Workers' Compensation Insurance Fraud please report it to the Department of Insurance, Morgan Hill Office or to the Monterey County District Attorney's Office, Workers' Compensation Unit. The more information you provide allows our unit to follow-up on these reported suspected activities.

As an employer, if you think someone is committing workers' compensation fraud, report it to your workers' compensation insurer. Every workers' compensation insurer is required to have a Special Investigation Unit to handle these cases. The insurer is required to report the suspected fraud to the Department of Insurance and the Monterey District Attorney for investigation. Self-insured employers can report the fraud to their Third Party Administrator.

As an employee, if you have information your employer does not carry workers' compensation insurance, you can report this directly to the Department of Insurance, Morgan Hill Office or to the Office of the District Attorney, Workers' Compensation Unit.

If you are an injured worker who has been injured and your employer has discouraged you from pursuing a claim, you can report this directly to the Department of Insurance, Morgan Hill Office or to the Office of the District Attorney, Workers' Compensation Unit.