

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 11-_____
v.	:	DATE FILED: <u>August 2, 2011</u>
CHARLES IVRY	:	VIOLATIONS:
	:	18 U.S.C. § 1341 (mail fraud - 99 counts)
	:	18 U.S.C. § 1920 (false or fraudulent statement regarding workers' compensation benefits - 41 counts)
	:	18 U.S.C. § 1001(a)(2) (false statement - 1 count)
	:	18 U.S.C. § 641 (conversion of government funds - 1 count)
	:	Notice of forfeiture

INDICTMENT

COUNTS ONE THROUGH NINETY-NINE

(Mail Fraud)

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times relevant to this indictment:

1. The Department of Labor (“DOL”), Office of Workers' Compensation Program (“OWCP”) administered benefits payable under the Federal Employees' Compensation Act (“FECA”), which allowed federal employees who sustained on-the-job injuries (“claimants”) to receive medical payments and compensation benefits, including reimbursement for medically-related travel.

2. Claimants seeking medically-related travel reimbursements completed a Medical Travel Refund Request (“Form 957”), that required claimants to provide information to

substantiate their medically-related travel claims, including: (1) the date of the medically-related travel; (2) the starting and ending locations of the medically-related travel; (3) the name and address of the medical facility; (4) the total distance, in miles, traveled; and (5) the cost of parking and tolls.

3. DOL and OWCP relied on a claimant's Form 957 information to determine whether the claimant should receive medically-related travel reimbursement, and if so, the amount of the reimbursement.

4. Prior to in or about August 1991, defendant CHARLES IVRY was employed as an electrician by the Department of Defense at Warner Robins, Georgia.

5. Citing an injury which occurred on August 1, 1991, when he slipped and fell at work, defendant CHARLES IVRY filed a Federal Employee's Claim For Continuation of Pay/Compensation on approximately August 1, 1991, and started receiving benefits on or about September 27, 1991.

THE SCHEME TO DEFRAUD

6. From on or about March 1, 2004 through on or about July 8, 2010, defendant

CHARLES IVRY

devised and intended to devise a scheme to defraud the DOL and OWCP and to obtain money and property from DOL and OWCP by fraudulently claiming mileage, toll and parking reimbursements for pharmaceutical, physician and rehabilitation appointments in distances greater than those he actually traveled and for parking and toll costs he never incurred.

7. It was the object of the scheme described in paragraph 6 for defendant CHARLES IVRY to receive more than \$80,000 worth of medical travel refunds to which he was not entitled.

MANNER AND MEANS

It was part of the scheme that:

8. Defendant CHARLES IVRY prepared a Form 957 claiming that he drove to numerous pharmacies and medical and rehabilitation appointments and traveled distances that were far in excess of the miles he actually traveled.

9. Defendant CHARLES IVRY falsely and fraudulently claimed on the Form 957 to have paid tolls and parking fees when no such costs were actually incurred.

10. Defendant CHARLES IVRY mailed the Form 957 to the DOL claims processing center using the United States Postal Service.

11. Upon receipt of each false and fraudulent Form 957, DOL and OWCP would process the claim and thereby cause the Department of the Treasury (DOT) to issue a check on behalf of DOL and OWCP, which it sent to defendant CHARLES IVRY through the United States mail from Philadelphia, PA, as reimbursement for the mileage claimed and for parking and toll costs, including miles not actually driven and parking and toll costs that were never incurred.

12. From on or about March 1, 2004 through on or about July 8, 2010, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

CHARLES IVRY,

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by the United States Postal Service, according to the directions thereon, the items described below, each mailing constituting a separate count:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF MAILING</u>
1	August 10, 2006	Check payable to CHARLES IVRY in the amount of \$311.07.
2	August 17, 2006	Check payable to CHARLES IVRY in the amount of \$548.29.
3	September 7, 2006	Check payable to CHARLES IVRY in the amount of \$672.28.
4	September 28, 2006	Check payable to CHARLES IVRY in the amount of \$423.20.
5	October 19, 2006	Check payable to CHARLES IVRY in the amount of \$193.15.
6	October 26, 2006	Check payable to CHARLES IVRY in the amount of \$408.84.
7	November 23, 2006	Check payable to CHARLES IVRY in the amount of \$422.64.
8	December 14, 2006	Check payable to CHARLES IVRY in the amount of \$277.25.
9	January 4, 2007	Check payable to CHARLES IVRY in the amount of \$529.03.
10	February 1, 2007	Check payable to CHARLES IVRY in the amount of \$449.49.
11	March 15, 2007	Check payable to CHARLES IVRY in the amount of \$564.53.
12	March 29, 2007	Check payable to CHARLES IVRY in the amount of \$242.99.

13	April 12, 2007	Check payable to CHARLES IVRY in the amount of \$243.47.
14	April 26, 2007	Check payable to CHARLES IVRY in the amount of \$404.14.
15	May 31, 2007	Check payable to CHARLES IVRY in the amount of \$150.45.
16	June 14, 2007	Check payable to CHARLES IVRY in the amount of \$392.07.
17	July 26, 2007	Check payable to CHARLES IVRY in the amount of \$36.39.
18	August 2, 2007	Check payable to CHARLES IVRY in the amount of \$474.51.
19	August 23, 2007	Check payable to CHARLES IVRY in the amount of \$74.22.
20	August 30, 2007	Check payable to CHARLES IVRY in the amount of \$274.67.
21	September 13, 2007	Check payable to CHARLES IVRY in the amount of \$228.11.
22	September 20, 2007	Check payable to CHARLES IVRY in the amount of \$295.53.
23	October 4, 2007	Check payable to CHARLES IVRY in the amount of \$574.75.
24	October 11, 2007	Check payable to CHARLES IVRY in the amount of \$183.04.
25	October 25, 2007	Check payable to CHARLES IVRY in the amount of \$298.43.
26	November 1, 2007	Check payable to CHARLES IVRY in the amount of \$221.85.
27	November 15, 2007	Check payable to CHARLES IVRY in the amount of \$36.39.
28	November 23, 2007	Check payable to CHARLES IVRY in the amount of \$205.32.
29	December 13, 2007	Check payable to CHARLES IVRY in the amount of \$301.53.

30	December 20, 2007	Check payable to CHARLES IVRY in the amount of \$305.56.
31	December 27, 2007	Check payable to CHARLES IVRY in the amount of \$24.26.
32	January 3, 2008	Check payable to CHARLES IVRY in the amount of \$30.26.
33	January 10, 2008	Check payable to CHARLES IVRY in the amount of \$814.11.
34	January 17, 2008	Check payable to CHARLES IVRY in the amount of \$164.91.
35	January 24, 2008	Check payable to CHARLES IVRY in the amount of \$35.39.
36	February 7, 2008	Check payable to CHARLES IVRY in the amount of \$472.34.
37	February 21, 2008	Check payable to CHARLES IVRY in the amount of \$390.93.
38	March 6, 2008	Check payable to CHARLES IVRY in the amount of \$850.83.
39	March 20, 2008	Check payable to CHARLES IVRY in the amount of \$317.68.
40	April 3, 2008	Check payable to CHARLES IVRY in the amount of \$360.44.
41	April 17, 2008	Check payable to CHARLES IVRY in the amount of \$742.33.
42	May 1, 2008	Check payable to CHARLES IVRY in the amount of \$753.30.
43	May 15, 2008	Check payable to CHARLES IVRY in the amount of \$1,126.33.
44	May 22, 2008	Check payable to CHARLES IVRY in the amount of \$531.60.
45	May 29, 2008	Check payable to CHARLES IVRY in the amount of \$1,116.74.
46	June 12, 2008	Check payable to CHARLES IVRY in the amount of \$937.51.

47	June 19, 2008	Check payable to CHARLES IVRY in the amount of \$1,090.97.
48	July 3, 2008	Check payable to CHARLES IVRY in the amount of \$205.48.
49	July 24, 2008	Check payable to CHARLES IVRY in the amount of \$850.83.
50	August 7, 2008	Check payable to CHARLES IVRY in the amount of \$1,009.34.
51	August 21, 2008	Check payable to CHARLES IVRY in the amount of \$888.59.
52	September 4, 2008	Check payable to CHARLES IVRY in the amount of \$526.40.
53	September 18, 2008	Check payable to CHARLES IVRY in the amount of \$379.64.
54	September 25, 2008	Check payable to CHARLES IVRY in the amount of \$1,140.21.
55	October 9, 2008	Check payable to CHARLES IVRY in the amount of \$1,206.91.
56	October 16, 2008	Check payable to CHARLES IVRY in the amount of \$1,472.35.
57	October 30, 2008	Check payable to CHARLES IVRY in the amount of \$1,033.28.
58	November 13, 2008	Check payable to CHARLES IVRY in the amount of \$2,214.53.
59	November 28, 2008	Check payable to CHARLES IVRY in the amount of \$162.99.
60	December 4, 2008	Check payable to CHARLES IVRY in the amount of \$843.53.
61	December 31, 2008	Check payable to CHARLES IVRY in the amount of \$1,303.57.
62	January 8, 2009	Check payable to CHARLES IVRY in the amount of \$1,427.08.
63	January 22, 2009	Check payable to CHARLES IVRY in the amount of \$1,843.14.

64	January 29, 2009	Check payable to CHARLES IVRY in the amount of \$718.35.
65	February 12, 2009	Check payable to CHARLES IVRY in the amount of \$1,619.41.
66	February 19, 2009	Check payable to CHARLES IVRY in the amount of \$1,299.68.
67	March 5, 2009	Check payable to CHARLES IVRY in the amount of \$2,430.47.
68	March 26, 2009	Check payable to CHARLES IVRY in the amount of \$1,721.55.
69	April 16, 2009	Check payable to CHARLES IVRY in the amount of \$1,924.10.
70	April 23, 2009	Check payable to CHARLES IVRY in the amount of \$538.00.
71	May 7, 2009	Check payable to CHARLES IVRY in the amount of \$1,619.65.
72	June 11, 2009	Check payable to CHARLES IVRY in the amount of \$1,795.35.
73	June 18, 2009	Check payable to CHARLES IVRY in the amount of \$1,662.35.
74	June 25, 2009	Check payable to CHARLES IVRY in the amount of \$1,050.30.
75	July 2, 2009	Check payable to CHARLES IVRY in the amount of \$1,062.35.
76	July 23, 2009	Check payable to CHARLES IVRY in the amount of \$2,389.57.
77	July 30, 2009	Check payable to CHARLES IVRY in the amount of \$693.80.
78	August 13, 2009	Check payable to CHARLES IVRY in the amount of \$605.40.
79	August 20, 2009	Check payable to CHARLES IVRY in the amount of \$1,975.14.
80	September 24, 2009	Check payable to CHARLES IVRY in the amount of \$3,062.95.

81	October 15, 2009	Check payable to CHARLES IVRY in the amount of \$1,351.76.
82	October 29, 2009	Check payable to CHARLES IVRY in the amount of \$1,249.86.
83	November 27, 2009	Check payable to CHARLES IVRY in the amount of \$1,028.70.
84	December 3, 2009	Check payable to CHARLES IVRY in the amount of \$2,726.20.
85	December 10, 2009	Check payable to CHARLES IVRY in the amount of \$1,200.60.
86	December 31, 2009	Check payable to CHARLES IVRY in the amount of \$1,116.05.
87	January 21, 2010	Check payable to CHARLES IVRY in the amount of \$2,777.90.
88	February 4, 2010	Check payable to CHARLES IVRY in the amount of \$1,527.30.
89	February 11, 2010	Check payable to CHARLES IVRY in the amount of \$1,331.00.
90	February 18, 2010	Check payable to CHARLES IVRY in the amount of \$1,232.00.
91	March 4, 2010	Check payable to CHARLES IVRY in the amount of \$2,423.00.
92	March 18, 2010	Check payable to CHARLES IVRY in the amount of \$1,622.50.
93	April 1, 2010	Check payable to CHARLES IVRY in the amount of \$1,899.70.
94	April 15, 2010	Check payable to CHARLES IVRY in the amount of \$1,940.00.
95	April 22, 2010	Check payable to CHARLES IVRY in the amount of \$1,468.50.
96	May 13, 2010	Check payable to CHARLES IVRY in the amount of \$1,474.50.
97	June 3, 2010	Check payable to CHARLES IVRY in the amount of \$2,097.20.

98	June 17, 2010	Check payable to CHARLES IVRY in the amount of \$1,159.00.
99	July 8, 2010	Check payable to CHARLES IVRY in the amount of \$1,581.50.

All in violation of Title 18, United States Code, Section 1341.

COUNTS ONE HUNDRED THROUGH ONE HUNDRED AND FOURTY

(False Statement Regarding Federal Workers' Compensation Benefits)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Counts One through Ninety-Nine of this indictment are incorporated here.

2. Beginning in or about February 2007 and continuing through in or about July 2010, in the Eastern District of Pennsylvania and elsewhere, defendant

CHARLES IVRY,

with intent to defraud, did knowingly and willfully file false and fraudulent Form 957 reports to the DOL, OWCP, in connection with the receipt of medically-related travel benefits, as described below, each Form 957 constituting a separate count:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
100	February 26, 2007	Form 957 Claiming travel mileage of approximately 550 miles.
101	March 15, 2007	Form 957 Claiming travel mileage of approximately 526 miles.
102	April 2, 2007	Form 957 Claiming travel mileage of approximately 770 miles.
103	May 6, 2007	Form 957 Claiming travel mileage of approximately 332 miles.
104	July 17, 2007	Form 957 Claiming travel mileage of approximately 600 miles.
105	August 13, 2007	Form 957 Claiming travel mileage of approximately 556 miles.
106	September 4, 2007	Form 957 Claiming travel mileage of approximately 599 miles.
107	October 15, 2007	Form 957 Claiming travel mileage of approximately 600 miles.

108	November 22, 2007	Form 957 Claiming travel mileage of approximately 630 miles.
109	December 8, 2007	Form 957 Claiming travel mileage of approximately 986 miles and \$19.00 in toll/parking.
110	January 10, 2008	Form 957 Claiming travel mileage of approximately 945 miles and \$14.00 in toll/parking.
111	February 19, 2008	Form 957 Claiming travel mileage of approximately 995 miles and \$18.00 in toll/parking.
112	March 5, 2008	Form 957 Claiming travel mileage of approximately 995 miles and \$12.00 in toll/parking.
113	April 10, 2008	Form 957 Claiming travel mileage of approximately 1017 miles and \$18.00 in toll/parking.
114	May 7, 2008	Form 957 Claiming travel mileage of approximately 1017 miles and \$18.00 in toll/parking.
115	June 13, 2008	Form 957 Claiming travel mileage of approximately 1092 miles and \$18.00 in toll/parking.
116	August 6, 2008	Form 957 Claiming travel mileage of approximately 506 miles and \$44.00 in toll/parking.
117	September 12, 2008	Form 957 Claiming travel mileage of approximately 1126 miles and \$24.00 in toll/parking.
118	December 19, 2008	Form 957 Claiming travel mileage of approximately 1121 miles and \$70.00 in toll/parking.
119	December 24, 2008	Form 957 Claiming travel mileage of approximately 1121 miles and \$70.00 in toll/parking.
120	January 15, 2009	Form 957 Claiming travel mileage of approximately 1110 miles and \$70.00 in toll/parking.
121	February 26, 2009	Form 957 Claiming travel mileage of approximately 1128 miles and \$70.00 in toll/parking.
122	March 18, 2009	Form 957 Claiming travel mileage of approximately 1004 miles and \$67.00 in toll/parking.
123	May 15, 2009	Form 957 Claiming travel mileage of approximately 1109 miles and \$72.00 in toll/parking.
124	June 18, 2009	Form 957 Claiming travel mileage of approximately 1117 miles and \$82.00 in toll/parking.

125	July 8, 2009	Form 957 Claiming travel mileage of approximately 1116 miles and \$80.00 in toll/parking.
126	August 6, 2009	Form 957 Claiming travel mileage of approximately 1081 miles and \$72.00 in toll/parking.
127	September 26, 2009	Form 957 Claiming travel mileage of approximately 628 miles and \$65.00 in toll/parking.
128	October 17, 2009	Form 957 Claiming travel mileage of approximately 991 miles and \$84.00 in toll/parking.
129	November 17, 2009	Form 957 Claiming travel mileage of approximately 874 miles and \$71.00 in toll/parking.
130	December 16, 2009	Form 957 Claiming travel mileage of approximately 986 miles and \$70.00 in toll/parking.
131	January 23, 2010	Form 957 Claiming travel mileage of approximately 983 miles and \$89.00 in toll/parking.
132	February 3, 2010	Form 957 Claiming travel mileage of approximately 1106 miles and \$78.00 in toll/parking.
133	February 27, 2010	Form 957 Claiming travel mileage of approximately 988 miles and \$75.00 in toll/parking.
134	March 14, 2010	Form 957 Claiming travel mileage of approximately 749 miles and \$54.00 in toll/parking.
135	March 23, 2010	Form 957 Claiming travel mileage of approximately 890 miles and \$64.00 in toll/parking.
136	May 12, 2010	Form 957 Claiming travel mileage of approximately 979 miles and \$68.00 in toll/parking.
137	May 15, 2010	Form 957 Claiming travel mileage of approximately 980 miles and \$80.00 in toll/parking.
138	May 31, 2010	Form 957 Claiming travel mileage of approximately 535 miles and \$64.00 in toll/parking.
139	June 3, 2010	Form 957 Claiming travel mileage of approximately 483 miles and \$57.00 in toll/parking.
140	June 10, 2010	Form 957 Claiming travel mileage of approximately 362 miles and \$58.00 in toll/parking.

All in violation of Title 18, United States Code, Section 1920.

COUNT ONE HUNDRED AND FOURTY-ONE

(False Statement)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Counts One through Ninety-Nine of this indictment are incorporated here.

2. From on or about June 2, 2010, to on or about June 30, 2010, in the Eastern District of Pennsylvania and elsewhere, defendant

CHARLES IVRY,

in a matter within the jurisdiction of the Department of Labor, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in that defendant CHARLES IVRY stated to a Department of Labor Claims Examiner that he had actually driven the miles he claimed on the Form 957s he had submitted between on or about March 15, 2004, and on or about June 30, 2010, and that the reason for the excessive mileage was that he frequently got lost, when, as the defendant well knew, he had not driven the miles he had claimed and was not entitled to receive the amounts claimed on the forms.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT ONE HUNDRED AND FOURTY-TWO

(Conversion of Government Funds)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Counts One through Ninety-Nine of this indictment are incorporated here.

2. Defendant CHARLES IVRY improperly received and converted to his own use approximately \$82,680.87 in refund payments for parking and toll costs he did not incur, as well as for miles he did not drive, and which CHARLES IVRY knew he was not entitled to receive.

3. Beginning in or about April 2004 and continuing through in or about July 2010, in the Eastern District of Pennsylvania and elsewhere, defendant

CHARLES IVRY

knowingly converted to his own use money of the United States in excess of \$1,000, that is, approximately \$82,680.87 in excessive refund payments, for distances he did not travel and for parking and toll costs he did not incur.

In violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 641, 1341 and 1920, set forth in this indictment, defendant

CHARLES IVRY

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, including, but not limited to the sum of approximately \$82,680.87.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(c), Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 981(a)(1)(c).

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE D. MEMEGER
United States Attorney