

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

BRADY TURNER,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

Criminal No.

VIOLATION:

Count One: 18 U.S.C. § 1349
(Conspiracy to Commit Health
Care Fraud)

18 U.S.C. § 982(a)(2)(A) and 28
U.S.C. § 2461(c) (Criminal
Forfeiture)

INFORMATION

The United States Attorney for the District of Columbia charges that:

Background

At all times relevant to this Information, on or about the dates and times stated herein:

Relevant Individuals and Entities

1. Defendant Brady Turner was a resident of Maryland and was employed as a Train Operator by the Washington Metropolitan Area Transit Authority (“WMATA”) that operated in the District of Columbia and elsewhere.

2. Co-conspirator 1 was a resident of Maryland and was employed as a Train Operator by WMATA that operated in the District of Columbia and elsewhere.

3. Person 1 was a licensed chiropractor with an office located in Maryland. Person 1 occasionally provided physical therapy and chiropractic treatment to Turner.

4. WMATA was created by an interstate compact in 1967 to plan, develop, build, finance, and operate a balanced regional transportation system in the District of Columbia area. WMATA operated and maintained metro train and bus services in and around the District of Columbia area.

5. American Family Life Assurance Company (“AFLAC”) was an insurance company based in Georgia. AFLAC provided health care insurance services to WMATA and its employees, including for medical and disability insurance. AFLAC was a “health care benefit program” as defined in 18 U.S.C. § 24(b).

Disability Claim Process

6. When filing an AFLAC disability claim, a policy holder submitted several forms, including, but not limited to, an “Initial Disability Claim Form” or a “Continuing Disability Claim Form.” These forms were filled out with policy holder/patient information (e.g., name, DOB, address) and descriptive information about the disability (e.g., date of occurrence, how it occurred). Another necessary form was an “Initial Disability Claim Form – Physician’s Statement.” This form included similar policy holder/patient information and other specifics that were filled out by the patient’s physician and/or the physician’s office (e.g., diagnosis information, date/details about the injury, date the patient was first seen by the physician). At the bottom of this form was also a signature line to be completed by the patient’s physician.

COUNT ONE
(18 U.S.C. § 1349 – Conspiracy to Commit Health Care Fraud)

7. Paragraphs 1 through 6 are hereby realleged.

8. Between on or about July 19, 2021, and on or about February 22, 2023, in the District of Columbia and elsewhere, the defendant,

BRADY TURNER

and Co-conspirator 1, did knowingly and willfully conspire, combine, confederate, and agree to commit health care fraud, by executing and attempting to execute a scheme and artifice to defraud a health care benefit program, that is, AFLAC, and to obtain, by means of false or fraudulent pretenses, representations, or promises, money or property owned by, or under the custody or

control of, said health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services.

Object of the Conspiracy

9. It was the object of the conspiracy for the defendant and Co-conspirator 1 to enrich themselves, and each other, by obtaining health care and disability benefits under false and fraudulent pretenses, by submitting false and fraudulent claims to AFLAC.

Manner and Means of the Conspiracy and Scheme to Defraud

10. The manner and means by which the defendant and Co-conspirator 1 sought to accomplish the goal of the conspiracy included, among others, the following:

11. Turner provided Co-conspirator 1 with the information needed to submit disability claims to AFLAC, including, but not limited to, Turner's name, date of birth, and address, the name and contact information of Person 1, copies of Turner's WMATA paystubs, and Turner's AFLAC insurance policy information.

12. On or about July 19, 2021, with Turner's permission, Co-conspirator 1 submitted a disability claim to AFLAC on Turner's behalf. Turner knew that he was not disabled and that the disability claim was fraudulent.

13. AFLAC assigned the claim with claim number 029736882.

14. Claim number 029736882 included an Initial Disability Claim Form stating that, on December 18, 2020, Turner fell off a step and hurt his lower back.

15. The Initial Disability Claim Form also included an "Employer's Statement" stating that Turner had not returned to work since the alleged injury, and indicating an expected return to work date of August 3, 2021. The Employer's Statement was allegedly signed by Turner, but was actually signed by Co-conspirator 1.

16. The Initial Disability Claim Form also included a "Physician's Statement" stating that Turner had been injured and become disabled as of December 18, 2020, that Turner was last

treated on July 15, 2021, that Turner was not cleared to return to work, and that Turner's expected return to work date was August 3, 2021. The Physician's Statement was purportedly signed by Person 1.

17. Person 1 did not complete or sign the Physician's Statement. The Physician's statement was actually completed and signed by Co-conspirator 1.

18. Claim number 029736882 also included several "Doctor Notes" claiming that Turner was under Person 1's care and was not cleared to work due to a back injury. Each Doctor Note was purportedly signed by Person 1.

19. Person 1 did not provide or sign any of the Doctor Notes. The Doctor Notes were actually created and signed by Co-conspirator 1.

20. The claim and its supporting documents were fraudulent insofar as none of the documents were completed or signed by Person 1, Turner was not injured on December 18, 2020, Turner continued to work for WMATA and collected his regular paychecks from December 18, 2020, to August 3, 2021, and Turner was not treated by Person 1 on the dates indicated.

21. On or about July 26, 2021, AFLAC approved claim number 029736882 and paid \$15,895 to Turner. Turner accepted this payment even though he knew that it was for a disability benefit to which he was not entitled.

22. On or about July 27, 2021, Turner paid \$1,400 of the claim proceeds to Co-conspirator 1, fulfilling his agreement to kick back a portion of the claim proceeds to Co-conspirator 1 in exchange for Co-conspirator 1's assistance in preparing and submitting the fraudulent disability claim.

23. On or about January 18, 2022, with Turner's permission, Co-conspirator 1 submitted a second disability claim to AFLAC on Turner's behalf. Turner knew that he was not disabled and that the disability claim was fraudulent.

24. AFLAC assigned the second claim with claim number 032761515.

25. Like the first claim, the second claim included an Initial Disability Claim Form, Employer's Statement, Physician's Statement, and Doctor Notes, this time claiming that Turner had been injured on September 8, 2021, while moving furniture, was under Person 1's care, and was not cleared to return to work until February 16, 2022.

26. The Physician's Statement and Doctor Notes were again purportedly completed and signed by Person 1. Person 1 did not complete or sign those documents. In reality, they were completed and signed by Co-conspirator 1.

27. The claim and its supporting documents were fraudulent insofar as none of the documents were completed or signed by Person 1, Turner was not injured on September 8, 2021, Turner continued to work for WMATA and collected his regular paychecks from September 8, 2021, to February 16, 2022, and Turner was not treated by Person 1 on the dates indicated.

28. On or about January 25, 2022, AFLAC approved claim number 032761515 and paid \$14,178.33 to Turner. Turner accepted this payment even though he knew that it was for a disability benefit to which he was not entitled.

29. On or about January 27, 2022, Turner paid \$2,500 of the claim proceeds to Co-conspirator 1, fulfilling his agreement to kick back a portion of the claim proceeds to Co-conspirator 1 in exchange for Co-conspirator 1's assistance in preparing and submitting the fraudulent disability claim.

30. On or about February 8, 2023, with Turner's permission, Co-conspirator 1 submitted a third disability claim to AFLAC on Turner's behalf. Turner knew that he was not disabled and that the disability claim was fraudulent.

31. AFLAC assigned the third claim with claim number 039627556.

32. Like the first and second claims, the third claim included an Initial Disability Claim Form, Employer's Statement, Physician's Statement, and Doctor Notes, this time claiming that

Turner had been injured on August 7, 2022, with no cause of the injury provided, was under Person 1's care, and had been cleared to return to work as of February 8, 2023.

33. The Physician's Statement and Doctor Notes were again purportedly completed and signed by Person 1. Person 1 did not complete or sign those documents. In reality, they were completed and signed by Co-conspirator 1.

34. The claim and its supporting documents were fraudulent insofar as none of the documents were completed or signed by Person 1, Turner was not injured on August 7, 2022, Turner continued to work for WMATA and collected his regular paychecks from August 7, 2022, to February 8, 2023, and Turner was not treated by Person 1 on the dates indicated.

35. On or about February 17, 2023, AFLAC approved claim number 039627556 and paid \$15,600 to Turner. Turner accepted this payment even though he knew that it was for a disability benefit to which he was not entitled.

36. On or about February 22, 2023, Turner paid \$2,400 of the claim proceeds to Co-conspirator 1, fulfilling his agreement to kick back a portion of the claim proceeds to Co-conspirator 1 in exchange for Co-conspirator 1's assistance in preparing and submitting the fraudulent disability claim.

(In violation of Title 18, United States Code, Section 1349)

NOTICE OF FORFEITURE
(18 U.S.C. § 982(a)(2)(A) and 28 U.S.C. § 2461(c))

The allegations contained in Count One of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 982(a)(2)(A).

Upon conviction of the offense of conspiracy to commit bank fraud in violation of Title 18, United States Code, Section 1349, the defendant,

BRADY TURNER,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation.

MONEY JUDGMENT

Upon conviction, the United States may seek a money judgment.

SUBSTITUTE ASSETS

If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Brian P. Kelly
BRIAN P. KELLY
Assistant United States Attorney
United States Attorney's Office
District of Columbia
D.C. Bar No. 983689
601 D Street NW
Washington, DC 20530
(202) 252-7503
Brian.Kelly3@usdoj.gov