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Former NFL Players Plead Guilty to Nationwide Health Care Fraud Scheme

WASHINGTON – Three former National Football League (NFL) players have pleaded guilty for their roles in a nationwide scheme to defraud a health care benefit program for retired NFL players. A total of 15 defendants have pleaded guilty in connection with this scheme.

Clinton Portis, 40, of Fort Mill, South Carolina, and Tamarick Vanover, 47, of Tallahassee, Florida, pleaded guilty on Friday. Robert McCune, 40, of Riverdale, Georgia, pleaded guilty on August 24. The former players admitted to participating in a scheme to defraud the Gene Upshaw NFL Player Health Reimbursement Account Plan (the Plan). The Plan was established pursuant to the NFL's 2006 collective bargaining agreement and provided for tax-free reimbursement of out-of-pocket medical care expenses that were not covered by insurance, and that were incurred by former players, their spouses, and their dependents – up to a maximum of \$350,000 per player.

According to court documents, Portis caused the submission of false and fraudulent claims to the Plan on his behalf over a two-month period, obtaining \$99,264 in benefits for expensive medical equipment that was not actually provided. Vanover recruited three other former NFL players into the fraudulent scheme and assisted them in causing false and fraudulent claims to be submitted to the Plan, obtaining \$159,510 for expensive medical equipment that was not actually provided. McCune orchestrated the nationwide fraud, which resulted in approximately \$2.9 million in false and fraudulent claims being submitted to the Plan and the Plan paying out approximately \$2.5 million on those claims between June 2017 and April 2018.

Portis and Vanover pleaded guilty two days after a trial against them resulted in a hung jury and a mistrial on certain counts against Vanover. McCune, the third defendant in that trial, pleaded guilty to all charges against him on the second day of trial. A retrial on the charges against Portis and Vanover had been scheduled to begin today.

Portis and Vanover were originally indicted, along with McCune and seven other defendants, in the Eastern District of Kentucky in December 2019 for their roles in the fraud. Since the initial charges were announced, five additional retired NFL players were charged in the scheme. All 12 of the other defendants charged have pleaded guilty to conspiracy to commit health care fraud: Joseph Horn, Correll Buckhalter, Carlos Rogers, James Butler, Eric Pruitt, Ceandris Brown, John Eubanks, Antwan Odom, Darrell Reid, Anthony Montgomery, Fredrick Bennett, and Donald "Reche" Caldwell, who passed away in June 2020.

Portis and Vanover pleaded guilty to conspiracy to commit health care fraud and agreed to pay full restitution to the Plan. Portis is scheduled to be sentenced on Jan. 6, 2022, and Vanover is scheduled to be sentenced on Jan. 22, 2022. They each face a maximum penalty of 10 years in prison.

McCune pleaded guilty to conspiracy to commit wire fraud and health care fraud, 13 counts of health care fraud, 11 counts of wire fraud, and three counts of aggravated identity theft. McCune is

scheduled to be sentenced on Nov. 19. He faces a maximum penalty of 20 years in prison for conspiracy to commit wire fraud and health care fraud, 10 years for each count of health care fraud, 20 years for each count of wire fraud, and two years for each count of aggravated identity theft.

A federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

Assistant Attorney General Kenneth A. Polite Jr. of the Justice Department's Criminal Division; Acting U.S. Attorney Carlton S. Shier IV for the Eastern District of Kentucky; and Special Agent in Charge George L. Piro of the FBI's Miami Field Office made the announcement.

This case was investigated by the FBI and included efforts by various FBI Field Offices and Resident Agencies, including Augusta, Georgia; Birmingham and Mobile, Alabama; Cleveland, Ohio; Chicago, Illinois; Columbia, South Carolina; Dallas and Houston, Texas; Denver, Colorado; Jackson, Mississippi; Lexington, Kentucky; New Orleans, Louisiana; Miami, Jacksonville, and Tampa, Florida; Newark, New Jersey; Los Angeles, San Diego, Sacramento, and Newport Beach, California; Phoenix, Arizona; Salt Lake City, Utah; and Washington, D.C.

Trial Attorneys John (Fritz) Scanlon and Alexander J. Kramer of the Criminal Division's Fraud Section and Assistant U.S. Attorney Andrew E. Smith of the Eastern District of Kentucky are prosecuting the case.

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