

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

	:	<b>CRIMINAL NO. 14-_____</b>
<b>UNITED STATES OF AMERICA</b>	:	<b>DATE FILED: June , 2014</b>
<b>v.</b>	:	<b>VIOLATIONS:</b>
	:	<b>18 U.S.C. § 641 (conversion of government</b>
<b>HERMAN MOKUAU</b>	:	<b>funds - 1 count)</b>
	:	<b>42 U.S.C. § 1920 (false or fraudulent</b>
	:	<b>statement regarding workers'</b>
	:	<b>compensation benefits - 1 count)</b>

**INFORMATION**

**COUNT ONE**

**(Conversion of Government Funds)**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

**INTRODUCTION**

At all times relevant to this information:

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 work-related injuries ("claimants") to receive workers' compensation benefits ("WC benefits").
2. A Claimant seeking WC benefits was required to fill out a Federal Employee's Notice of Traumatic Injury and Claim For Continuation of Pay/Compensation form ("DOL CA-1 Form"), that described the nature of the injury and stated that it occurred while he or she was performing work duties.

3. In order to be eligible to receive WC benefits, a claimant had to be a federal employee who sustained a personal injury in the performance of his or her duty.

4. Individuals were eligible to receive benefits until they had recovered from their work-related injury or until they returned to work. The amount of a claimant's WC benefits could also be reduced if, as a result of their work-related injury, the claimant could no longer perform his or her previous work, but could perform alternative lower paying employment.

5. The ability of DOL-OWCP to properly make initial determinations as to a claimant's initial eligibility for WC benefits was directly dependent upon DOL-OWCP's access to accurate and current information regarding that claimant. Moreover, if a claimant initially was found to be eligible, and therefore became a WC benefits recipient, DOL-OWCP's ability to properly determine that recipient's continuing eligibility, and the correct monthly benefit due that recipient, likewise was directly dependent upon DOL-OWCP's ongoing access to accurate and current information regarding that recipient.

6. DOL-OWCP required injured WC benefit recipients to advise DOL-OWCP of any paid or volunteer work performed, other benefits received, and any changes or improvements in the condition of their work-related injuries and any limitations caused by those work-related injuries.

7. In or about August 1985, defendant Herman Mokuau was working as a civilian laborer at the Philadelphia Naval Shipyard in Philadelphia, Pennsylvania, when he injured his left knee. Starting in or about October 1985, defendant Herman Mokuau began receiving WC benefits. He received WC benefits until November 1986, when he returned to work as a supply clerk at the Defense Personnel Support Center in Philadelphia, Pennsylvania.

8. After falling and reinjuring his knee, defendant Herman Mokuau stopped working again and began receiving full WC benefits in or about February 1999. In or about September 2001, DOL-OWCP determined that defendant Herman Mokuau could return to work as a dispatcher, but Mokuau chose not to work. As a result, Mokuau received reduced WC benefits from September 2001 through July 2008.

9. In or about July 2008, defendant Herman Mokuau had knee replacement surgery. At that time, he again began to receive full WC benefits which continued until on or about June 30, 2012.

10. In or about 2004, defendant Herman Mokuau began working and earning income as a farrier, that is, a person who shoes horses.

11. In 2005, defendant Herman Mokuau was elected the president of the Garden State Horseshoers Association, Southern Chapter.

12. From in or about 2004, through in or about June 2012, defendant Herman Mokuau worked and earned income as a farrier.

13. Each year DOL-OWCP required defendant Herman Mokuau to submit EN-1032 annual certification forms which required him to report all employment, self-employment, or involvement in business enterprises. Each year, from 2004 through 2011, defendant Herman Mokuau returned EN-1032 forms to the DOL-OWCP Regional Office in Philadelphia, Pennsylvania, indicating that he had not worked or earned any income during the year.

14. Defendant Herman Mokuau failed to disclose to DOL-OWCP that he was performing paid work as a farrier from in or about 2004, through in or about May 2012.

15. As a result of his failure to notify DOL-OWCP that he was working as a farrier and earning income, DOL-OWCP continued to issue defendant Herman Mokuau monthly WC benefits by causing the United States Department of the Treasury (DOT) to issue a monthly check on behalf of DOL-OWCP, which DOT sent to defendant Mokuau through the United States Postal Service.

16. Beginning in or about 2004, and continuing through in or about June 2012, in the Eastern District of Pennsylvania, the District of New Jersey, and elsewhere, defendant

**HERMAN MOKUAU**

knowingly converted to his own use money of the United States in excess of \$1,000, that is, approximately \$62,615.39 in workers' compensation benefits which he was ineligible to receive.

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

**COUNT TWO**

**(False Statement Regarding Federal Workers' Compensation Benefits)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 15 of Count One of this information are incorporated here.
2. On or about May 15, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

**HERMAN MOKUAU,**

with intent to defraud and to continue to receive workers' compensation benefits in amounts to which he was not entitled, knowingly and willfully provided false information on DOL-OWCP form EN1032 in connection with the receipt of workers' compensation benefits in excess of \$1,000, by claiming that he had not performed any paid work in the previous 15 months, when, as the defendant well knew, he had performed paid work as a farrier.

In violation of Title 18, United States Code, Section 1920.

  
**ZANE D. MEMEGER**  
**UNITED STATES ATTORNEY**