

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.

ANGEL CORUJO, JR.

Defendant

Case No.

14 MAG 785

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Angel Corujo, Jr.

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

The defendant obtained worker's compensation benefits to which he was not entitled, in violation of 18 U.S.C. Sections 1920 and 641.

Date: 04/15/2014

Henry Pitman
Issuing officer's signature

City and state: New York, NY

Hon. Henry Pitman, USMJ, SDNY
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

Approved:

Margaret A. Graham
MARGARET GRAHAM
Assistant United States Attorney

14 MAG 785

Before: THE HONORABLE HENRY PITMAN
United States Magistrate Judge
Southern District of New York

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:
UNITED STATES OF AMERICA : SEALED
: COMPLAINT
:
-v- : Violation of 18 U.S.C. §§
: 1920 and 641
ANGEL CORUJO, JR., :
: COUNTY OF OFFENSE:
Defendant. : NEW YORK
:
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANI WHITE, being duly sworn, deposes and says that she is a Special Agent with the Department of Labor, Office of the Inspector General, and charges as follows:

COUNT ONE

1. From at least in or about July 2013, up to and including at least in or about April 2014, in the Southern District of New York and elsewhere, ANGEL CORUJO, the defendant, willfully and knowingly did falsify, conceal, and cover up material facts, and did make false, fictitious, and fraudulent statements and representations, and did make and use false statements and reports knowing the same to contain false, fictitious, and fraudulent statements and entries in connection with an application for and receipt of compensation and other benefits and payment under Title 5, United States Code, Sections 8102 et seq., which benefits exceeded the sume of \$1,000, to wit, CORUJO submitted applications for federal worker's compensation benefits in which he stated falsely that he was disabled during the periods for which he applied for such benefits, when in fact he was not.

(Title 18, United States Code, Section 1920.)

COUNT TWO

2. From at least in or about July 2013, up to and including at least in or about April 2014, in the Southern District of New York and elsewhere, ANGEL CORUJO, the defendant, willfully and knowingly did embezzle, steal, purloin, and convert to his own use and the use of another, vouchers, money and things of value of the United States and a department and an agency thereof, to wit, the United States Department of Labor, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, CORUJO fraudulently obtained federal worker's compensation benefits to which he was not entitled.

(Title 18, United States Code, Section 641.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the United States Department of Labor ("DOL"), Office of the Inspector General. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations of others are reported herein, they are reported in substance and in part.

The FECA Regulatory Scheme

4. Based on my knowledge and experience derived from this investigation and from my participation in prior investigations into federal worker's compensation fraud, I know the following:

a. The Federal Employees' Compensation Act ("FECA"), 5 U.S.C. § 8102 et seq., provides compensation to federal employees for injuries sustained during the performance of their workplace duties. An employee may be disabled, and therefore eligible to collect FECA benefits, either due to a sudden, "traumatic injury" or due to a physical or mental condition that develops over time (an "occupational disease").

b. Under the statute, an employee who is totally disabled due to a workplace injury and has no dependents is entitled to benefits equivalent to 66.66 percent of his federal salary during the period of his disability. An employee is totally disabled if, following his injury, he has no capacity to earn wages or work in any position. If an employee without dependents is only partially disabled, his FECA benefits are limited to 66.66 percent of the difference between his federal salary and his residual wage-earning capacity. FECA benefits are untaxed.

c. FECA benefits are administered by the Office of Workers' Compensation Programs ("OWCP"), a division of DOL. The OWCP District Office that processes FECA claims for residents of New Jersey, New York, Puerto Rico, and the Virgin Islands is located in Manhattan, New York.

d. In order to receive FECA benefits, a federal employee who suffers a work-related traumatic injury must first complete, sign, and submit to the OWCP a form entitled "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" (a "Form CA-1"). The Form CA-1 requires the employee to describe the nature of the injury for which he is seeking benefits and the circumstances under which he sustained it. By signing the Form CA-1, the claimant certifies, "under penalty of law," inter alia, that the injury upon which the claim is based "was sustained in the performance of duty as an employee of the United States Government." Form CA-1 advises the employee who submits it that:

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.

e. A claimant who has been receiving FECA benefits for a sustained period of time and who is unlikely to return to work in the near future is placed on the "periodic roll." A claimant included on the periodic roll receives disability compensation automatically every 30 days. To remain on the periodic roll, the claimant must complete, sign and file an annual questionnaire known as Form CA-1032.

f. Part A of Form CA-1032, labeled "Employment," directs the claimant to "[r]eport ALL employment for which you received a salary, wages, income, sales commissions, piecework, or payment of any kind" during the fifteen months prior to completing the form. Claimants are directed to "[r]eport ALL self-employment or involvement in business enterprises," including "part-time or intermittent" activities. The form requires the claimant to disclose his rate of pay for any such employment activities, including "the value of such things as housing, meals, clothing, and reimbursed expenses."

g. Immediately following the instructions on reporting employment, Form CA-1032 contains the following warning, printed in all capital letters and in bold font: "SEVERE PENALTIES MAY BE APPLIED FOR FAILUE TO REPORT ALL WORK ACTIVITIES THOROUGHLY AND COMPLETELY."

h. Part B of Form CA-1032 requires the claimant to state whether, during the prior fifteen months, he has "perform[ed] any volunteer work including volunteer work for which ANY FORM of monetary or in-kind compensation was received."

i. The final portion of the Form CA-1032 requires the claimant to sign and certify the following:

I know that anyone who fraudulently conceals or fails to report income or other information which would have an effect on benefits, or makes a false statement or misrepresentation of a material fact in claiming a payment or benefit under the Federal Employees' Compensation Act may be subject to criminal prosecution, from which a fine or imprisonment, or both, may result.

[. . .]

I certify that all statements made in response to questions on this form are true, complete, and correct to the best of my knowledge and belief. I have placed "Not Applicable" (N/A) or "None" next to those questions that do not apply to me or my claim.

j. In addition to filing Form CA-1032 each year, a claimant on the periodic role is required annually to

update OWCP regarding the status of his disabling condition. The claimant is directed to obtain a narrative medical report from his doctor and to direct his doctor to submit to OWCP either an Attending Physician's Report ("Form CA-20"), if the claimant is totally disabled, or a Work Capacity Evaluation ("Form OWCP-5"), if the claimant is capable of working on a modified or limited basis.

THE PRESENT INVESTIGATION

CORUJO Files for FECA Benefits

5. I have reviewed documents maintained by the United States Postal Service ("USPS") and OWCP regarding ANGEL CORUJO, the defendant. From these documents I know that:

a. Since 1987, CORUJO has been employed by the USPS as a letter carrier in Brooklyn, New York.

b. On or about July 15, 2003, CORUJO completed, signed, and filed with OWCP in Manhattan a Form CA-1. On that document, CORUJO stated that on July 15, 2003, he sustained a work-related injury when, while lifting heavy mail bags, he injured his back. CORUJO complained of a strange twinge in his lower lumbar, and stiffness and pain in his back.

c. In August 2003, CORUJO received a letter from DOL informing him that his claim for FECA benefits had been accepted. The letter informed him that if he returned to work or obtained new employment, he was required to notify DOL "right away." The letter stated that if CORUJO received a compensation check that included payment for a period during which he worked, he was required to return the compensation check to DOL immediately "to prevent an overpayment of compensation."

d. After filing his Form CA-1 in 2003, CORUJO began to draw FECA benefits and stopped reporting to work. CORUJO has not reported to work since July 15, 2003.

e. In or about October 2004, CORUJO was placed on the periodic roll. Since that time, he has received regular FECA benefit checks ranging from \$2554 to \$3269 per month. As of April 5, 2014, CORUJO had received FECA compensation totaling \$402,651 since filing his form CA-1 in July 2003.

f. Since being placed on the periodic roll in or about October 2004, CORUJO has completed, signed and filed with the OWCP in Manhattan eight Form CA-1032s. These Forms are dated, respectively: October 1, 2005; September 29, 2006;

November 16, 2007; November 22, 2008; November 24, 2009; November 21, 2010; October 18, 2011; and October 12, 2013. On the October 12, 2013 Form CA-1032 CORUJO stated, among other things, that he had not worked for any employer during the past 15 months, and that he had been unemployed for the past 15 months.

g. CORUJO has been coded "PN" by DOL since in or about November 2009. This means he has no wage-earning capacity. This is the most severe code for an injury that DOL administers. It means that the claimant's injury is so severe that they will never be able to work in any capacity again.

CORUJO's Medical Records

6. I have reviewed the report of a December 2012 independent medical evaluation performed on ANGEL CORUJO, the defendant, by a board-certified spine surgeon, at the request of DOL. In it, CORUJO informed the surgeon that he had low back pain and used a motorized wheelchair while at home and a cane for ambulatory assistance in the community.

7. I have reviewed a January 2014 Form CA-20 for ANGEL CORUJO, the defendant, completed by a board-certified doctor specializing in spinal injuries. In it, CORUJO described "pain, sharp, shooting, stabbing pain" in "the entire back," which he "rated as 7/10 in severity all the time." CORUJO stated that he used a "wheelchair for all distances due to weakness." The physician stated that CORUJO could work four hours per day lifting up to 10 pounds and could walk or stand for 5 minutes at a time, but could not twist, bend, or operate a motor vehicle at work or to or from work.

CORUJO's Physical Activities

8. I have spoken with an agent who conducted surveillance November 11, 2013, at the residence that ANGEL CORUJO, the defendant, listed on his October 12, 2013 Form CA-1032 (the "Corujo Residence"). The agent informed me that she observed the following:

a. CORUJO decorated the Corujo Residence with holiday decorations. CORUJO walked without a cane or the assistance of a wheelchair. CORUJO climbed up a stepstool and hung the decorations, while reaching, bending, and climbing. On the same day, CORUJO also put a cover on a pool at his residence, while walking, reaching, pulling, and grasping.

9. I have reviewed surveillance footage taken inside a Lowe's store in Hackettstown, New Jersey, on November 16, 2013, and December 1, 2013, and have observed an individual that I believe to be ANGEL CORUJO, the defendant, wheeling a shopping cart around the store, removing items from his cart and placing them on the register counter, and paying at the register and wheeling a loaded shopping cart out of the store. At no time did I observe CORUJO using a cane, wheelchair, or other mobility aid.

10. I have reviewed surveillance footage taken inside a Walmart's store in Hackettstown, New Jersey, on December 1, 2013, and December 11, 2013, and have observed an individual that I believe to be ANGEL CORUJO, the defendant, driving a car to the store, parking the car and walking into the store, walking freely through the store, wheeling a shopping cart around the store, lifting items out of the cart to put them on the register counter, leaving the store and loading items into his car, and driving his car away from the store. At no time did I observe CORUJO using a cane, wheelchair, or other mobility aid.

11. From speaking with other agents, I have learned that USPS installed a pole camera outside of the home of ANGEL CORUJO, the defendant. I have reviewed surveillance footage taken of the driveway of CORUJO's house and have observed the following:

a. On January 18, 2014, CORUJO pushed a snow blower along the driveway, and later shovelled snow from the driveway.

b. On January 21, 2014, CORUJO rolled a trash barrel down the driveway, and then walked back up the driveway to his house.

c. On January 22, 2014, CORUJO repeatedly pushed a snow blower up and down the driveway.

12. On or about January 9, 2014, I conducted surveillance of ANGEL CORUJO, the defendant, and observed CORUJO walking without a cane or other aid while carrying several bags.

13. I have spoken with an agent who conducted surveillance of ANGEL CORUJO, the defendant, on or about January 27, 2014. The agent informed me that on that day, she observed CORUJO leave the Corujo Residence and drive to a Costco in Plainfield, New Jersey, where he parked and walked inside without the aid of a cane or wheelchair.

CORUJO Works for Aerotech

14. I have spoken with an agent who conducted surveillance of ANGEL CORUJO, the defendant, on or about January 3, 2014. The agent informed me that on that day, she observed CORUJO leave the Corujo Residence and drive to an Enterprise Car Rental in New Jersey (the "Enterprise Franchise").

15. On or about January 7, 2014, I spoke with Enterprise employees at the Enterprise Franchise. The employees informed me that on January 3, 2014, ANGEL CORUJO, the defendant, returned a car that he wanted to purchase to the Enterprise Franchise.

16. On January 8, 2014, I interviewed an Enterprise manager who had previously met with ANGEL CORUJO, the defendant, at the Enterprise Franchise about purchasing a car. The manager stated that he had never seen CORUJO use a wheelchair or cane. During their meeting, CORUJO informed the Enterprise manager that CORUJO was retired from USPS and was currently a forklift operator employed by Aerotek, a commercial staffing firm.

17. I have reviewed an Enterprise credit application completed by ANGEL CORUJO, the defendant, in or about November 2013, in which CORUJO stated that he had been employed by Aerotek as a forklift operator for the prior six months, making \$2,480 per month. CORUJO stated that prior to Aerotek, he had been employed by USPS for 19 years as a warehouse worker, but that he had retired.

18. I have reviewed employment records maintained by Aerotek, Inc. From these records and from my conversations with Aerotek employees, I have learned the following:

- a. Aerotek is a staffing agency.
- b. ANGEL CORUJO, the defendant, was employed by Aerotek from July 17, 2013, through August 13, 2013; from August 30, 2013, through September 9, 2013; from September 10, 2013, through November 8, 2013; and from January 14, 2014, through January 26, 2014.
- c. In the fiscal year 2013, CORUJO earned approximately \$9,875.43 in wages, tips, and other compensation.
- d. During CORUJO's time with Aerotek, he worked primarily for RathGibson North Branch LLC, a stainless steel tubing manufacturer.

