
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Jessica S. Allen
 :
 v. : Mag. No. 21-8099
 :
 MONIQUE GEE : **CRIMINAL COMPLAINT**
 :
 :

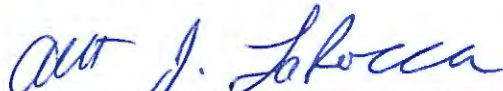
I, Special Agent Albert J. LaRocca, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Postal Service, Office of Inspector General, and that this complaint is based on the following facts:

SEE ATTACHMENT B

Continued on the attached page and made a part hereof:



Albert J. LaRocca, Special Agent
United States Postal Service
Office of Inspector General

Special Agent Albert J. LaRocca attested to this Complaint by telephone pursuant to Fed. R. Crim. P. 4.1(b)(2)(A), on June 30, 2021.

HONORABLE JESSICA S. ALLEN
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(False Statement or Fraud to Obtain Federal Employees' Compensation)

From in or around June 2016, through in or around June 2021, in Union County, in Monmouth County, in the District of New Jersey, and elsewhere, the Defendant,

MONIQUE GEE,

did knowingly and willfully falsify, conceal, and cover up a material fact, and make a false, fictitious, and fraudulent statement and representation in connection with the application for and receipt of federal workers' compensation benefits, namely to the United States Department of Labor, Office of Workers Compensation Programs, and did thereby falsely obtain benefits in an amount exceeding \$1,000.

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

ATTACHMENT B

I, Albert J. LaRocca, am a Special Agent with the United States Postal Service, Office of Inspector General (“USPS-OIG”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and other items of evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. At all times relevant to this Criminal Complaint:

a. Defendant Monique Gee (“Gee”) was a resident of Union County, New Jersey.

b. Gee was employed as a letter carrier for the United States Postal Service (“USPS”) in Middletown, New Jersey.

c. The Federal Employees’ Compensation Act (“FECA”), 5 U.S.C. § 1807 *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”).

d. Under the statute, an employee who is totally disabled due to a workplace injury and is married or has one or more dependents is entitled to benefits equivalent to 75 percent of his or her federal salary during the period of his disability. An employee is totally disabled if, following his or her injury, the employee has no capacity to earn wages or work in any position. If an employee with dependents is only partially disabled, his or her FECA benefits are limited to 75 percent of the difference between his or her federal salary and his or her residual wage-earning capacity. FECA benefits are not subject to federal, state, or local income tax.

e. FECA benefits are administered by the Office of Workers’ Compensation Programs (“OWCP”), a division of the Department of Labor (“DOL”).

f. 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”), as well as any supporting evidence, including medical documentation. The Form CA-1 requires the

employee to describe the nature of the injury for which she is seeking benefits and the circumstances under which she sustained it. By signing the Form CA-1, the claimant certifies, "under penalty of law," that the injury upon which the claim is based "was sustained in 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.

g. Upon the filing of a Form CA-1, the federal employer must continue the disabled employee's regular pay during any periods of disability, up to a combined maximum of 45 calendar days for any single injury. To obtain compensation beyond this 45-day period, the employee must file a "Claim for Compensation" (a "Form CA-7"). To receive benefits on a schedule that replicates her normal pay cycle, the claimant must generally file a new Form CA-7 every two weeks.

h. Section Three of the Form CA-7 requires the complainant to indicate whether he or she "worked outside of [his or her] federal job for the period(s)" for which benefits are claimed. The claimant is specifically directed to disclose "any and all earnings from employment . . . ; including any employment for which (he or she) received a salary, wages, income, sales commissions, or payment of any kind," as well as "self-employment, odd jobs, involvement in business enterprises, [and] service with the military." Section Three of the Form CA-7 also cautions that "[f]raudulently concealing employment or failing to report income may result in forfeiture of compensation benefits and/or criminal prosecution."

i. Section Seven of the Form CA-7 requires the complainant to certify that the information provided in the Form CA-7 is true and accurate. Section Seven of the Form CA-7 also advises that "[a]ny person who knowingly makes any false statement, misrepresentation, concealment of fact, or any other act of fraud" to obtain FECA benefits is subject to civil or administrative remedies and criminal prosecution.

j. A claimant who has been receiving FECA benefits for a sustained period of time and is unlikely to return to work due to continuing work place-related illness or injury in the near future is placed on the "periodic roll."

A claimant included on the periodic roll receives disability compensation automatically every 30 days and is not required to file Form CA-7 on a bi-weekly basis. Instead, each year, the claimant must complete sign and file a questionnaire known as Form CA-1032.

k. Form CA-1032 requires the claimant to disclose all employment activities in which he or she has participated in the 15 months prior to completing the form. The claimant is specifically required to “[r]eport ANY work or ownership in any business enterprise, even if the business lost money or if profits or income were reinvested or paid to others” and that “[i]f you performed any duties in any business enterprise for which you were not paid, you must show as rate of pay what it would have cost the employer or organization to hire someone to perform the work or duties you did[.]” The final portion of the Form CA-1032 requires the claimant to acknowledge that false or incomplete reporting can give rise to criminal prosecution and forfeiture of benefits.

2. On or about June 1, 2016, Gee signed and certified a Form CA-1, in which she claimed that she had sprained her right knee while performing her duties for the USPS that same day.

3. After that, from in or around June 2016 through in or around May 2017, Gee completed and filed with OWCP at least twenty-two Forms CA-7 seeking compensation for periods of total disability. On sixteen of those Forms CA-7, Gee checked the box marked “No,” when asked to report “any and all earnings from employment” outside of her federal job, including “payment of any kind,” whether received from “self-employment, odd jobs, involvement in business enterprises,” or military service during the period for which she was seeking FECA benefits. On six of the Forms CA-7, Gee left the box blank. Each of the applications was granted.

4. In or around May 2017, Gee was placed on the “periodic roll” and continued receiving disability compensation automatically every approximately 30 days.

5. From in or around May 2017 through in or around June 2021, Gee completed and filed with OWCP at least five Forms CA-1032 seeking compensation for periods of total disability. On four of those Forms CA-1032, Gee wrote or circled “No,” when asked if she “work[ed] for any employer during the past 15 months.” In addition, on four of those Forms CA-1032, Gee wrote or circled “No,” when asked if she was “self-employed or involved in any business enterprise during the past 15 months.” On one of the Forms CA-1032, Gee did not return the page containing questions about employment information.

6. During the investigation, law enforcement learned that despite her representations on the Forms CA-7 and CA-1032, Gee operated a business from

which she received substantial income. For example, based on records of the City of Jersey City Department of Health and Human Services, Gee received a license to operate a mobile food truck in her and her business's names. In addition, based on a review of social media, Gee frequently advertised the sale of different types of food and confections. Furthermore, based on financial records, Gee received thousands of dollars in payments for suspected food sales during the relevant period.

7. Additionally, in or around February 2021, an undercover law enforcement officer (the "UC") called Gee on multiple occasions to discuss the potential purchase of goods from Gee's business. During a call on or about February 17, 2021, the UC placed an order from Gee's business. Gee later sent the UC an invoice for the goods, and the UC subsequently made payment for the order to Gee via a mobile payment platform.

8. As a result of the false representations that Gee made on Forms CA-7 and CA-1032, Gee has received more than \$150,000 in federal workers' compensation benefits to which she was not entitled. These payments included both payments made by DOL and continuation-of-pay payments made by USPS before DOL took over Gee's claim.