

Willful Misrepresentation (Fraud) Checklist

The following documentation is recommended to aid the department to make a determination whether willful misrepresentation or fraud was used to obtain worker's compensation benefits (benefits may include: time-loss compensation, medical or vocational benefits). If any of the suggested documents are missing, it may delay the decision making process. After review of the request, the Pension Adjudicator will make a decision as to whether or not willful misrepresentation can be proven. An overpayment and 50% penalty will also be addressed.

Before submission to the department, please mark all documents related to willful misrepresentation or fraud "**DO NOT FILM**". The documents should not be placed in the file since investigation information isn't released to the worker or their attorney until a department determination has been made. If the documents are scanned into the claim file, they will be made "Department Only" until a review and decision.

Suggested Documentation

- **An investigation report, including:**
 - Summary
 - Date of discovery
 - Copies of time-loss/loss of earning power checks (front and back) and/or payment logs
 - Statements of witnesses or employers (include names, addresses and phone numbers)
 - Interview with worker (or documentation of attempt to interview) and/or worker entitlement statements
 - Specific dates willful misrepresentation occurred
 - Amount of money involved and what type of benefit
- If you are contending medical or prescription willful misrepresentation, include documentation listing the specific medical/prescriptions, the dates involved and associated costs.
- If you are contending vocational services received are included in the willful misrepresentation, include documentation regarding the specific vocational services, the dates involved, and associated costs.
- If you have surveillance of the worker, please send a description of what the video contains. The department **does not** require original or copies of the videotapes or discs. Retain the original for possible legal proceedings.
- A draft order describing exactly what you are contending may be of assistance.

To report Fraud call 1-888-811-5974