

# Willful Misrepresentation (Fraud) Checklist

The following documentation is required for the department to make a determination regarding willful misrepresentation or fraud. If any of these elements are missing, it may significantly delay the decision-making process.

Upon review of the these elements, the Pension Adjudicator will make a decision as to whether or not fraud can be proven with an overpayment & 50% penalty. They may determine to issue an overpayment instead.

Before submission to the department, please mark all documents related to fraud or willful misrepresentation “**DO NOT FILM.**” The documents shouldn’t be placed in the file as investigation information isn’t released to the claimant or their attorney while the investigation is still pending.

- An investigation report, including
  - Summary
  - Date of Discovery
  - Copies of time-loss checks (front and back)
  - Statements from witnesses or employers (Names, addresses and phone numbers of any witnesses)
  - Interview with claimant (or documentation of attempt to interview)
  - Specific dates fraud occurred
  - Amount of money involved
- If you are contending medical or prescription fraud, include documentation regarding the specific medical/prescriptions and dates involved.
- If you are contending vocational services received are included in the fraud, include documentation regarding the specific vocational services and dates involved.
- If you have video of the worker, please send a description of what the video contains. The department **doesn’t** require original or copies of videotapes. However, please retain the video - if the order goes to hearing the videos will be needed at that time.
- A draft order describing exactly what you are contending will help in making a determination regarding fraud, though it isn’t required.