

Strange workers comp claims can be dangerous, too
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George Heney remembers a fishy workers compensation case that ended with more twists and turns than an action adventure hour on TV.

It began when a New Hampshire construction company flagman's carpal tunnel syndrome wouldn't go away. After two years and successive carpal tunnel surgery on both hands, the man wasn't healing properly and Heney, president of Southern New Hampshire Investigations, Inc., was brought in to investigate.

Heney realized the cause following a few days of surveillance -- an afternoon rural paper route with about 110 customers. He filmed the flagman as he rolled down his left or right window to deliver each paper, over and over, depending on the location of the home or mailbox. The flagman aggravated his injuries each time.

But the flagman spotted Heney, leading him on a chase, stopping only after he pulled his emergency brake, which forced Heney to rear-end his vehicle.

Heney's subject then fall out of his driver's side door, feigning injury.

Paper Route

A court hearing soon after revealed that the man faked the accident in an effort to avoid being discovered; he had been working the paper route for two years using his brother's name and Social Security number.

The flagman subsequently lost his benefits.

In the annals of workers compensation claims history, many cases barely register as tales worth repeating, said Michael Sullivan, senior assistant state's attorney for Connecticut and part of the state's workers compensation fraud unit.

"Most of it is routine," he said.

But there are plenty of others that raise eyebrows, elicit chuckles, shock and surprise — offering a glimpse into the extremes people will pursue just to keep getting workers compensation benefits when they really shouldn't.

Those cases, Heney said, can be "as strange as you can possibly imagine..."

Just this month, a ballet dancer turned firefighter was arrested in New York and charged with stealing more than \$4,500 in workers compensation from Nebraska while working in a New York City firehouse.

The man was suspended without pay from the fire department and faces potential prison time if he's convicted, according to the Associated Press.

The Insurance Fraud Bureau of Massachusetts compiled a list of the departments' "ten most humorous cases of the decade" last year to celebrate its anniversary.

Highlights include the man from Weymouth who claimed he suffered a disabling back injury while working as a fork lift operator. He was videotaped while performing as an apparently limber lead singer of a heavy metal rock band.

The man ended up serving a suspended sentence, was ordered to pay restitution and also performed community service.

Of course, the Fraud Bureau also dealt with the Leominster man who claimed he injured his neck, back and knee while working for a construction company. Insurers paid two years worth of disability benefits when an insurance investigator caught the man on videotape moving furniture and clothes, and playing soccer. The man wore a beard at one point to conceal his identity, the Fraud Bureau said. A beard too late, the man pleaded guilty to workers compensation fraud and larceny, and served a suspended sentence. He was also ordered to pay a \$3,000 fine. Sometimes workers compensation cases are just plain audacious.

Construction On the Side

Sullivan recalled the case of a United Parcel Service employee who was out on one workers compensation claim or another about half of the time over a decade. The Connecticut Workers Compensation Fraud Unit investigated and found out he ran a secret construction business of his own when he was collecting disability, building homes and other structures. Not surprisingly, the UPS employee was brought to trial and found guilty. He was sentenced to 10 years in jail, to be released after 18 months to serve five-years' probation, pay \$18,000 in restitution and complete 1,500 hours of community service. The case is on appeal, Sullivan said, focusing on whether the man was required to disclose his true work capacity during the times he claimed complete disability. In another matter, investigators took on a case involving a construction worker at a state nuclear power plant who was helping to build scaffolding inside a reactor building. The man claims he fell eight feet off the scaffolding onto another scaffolding layer and was injured. More than that, he also claims a bag of radioactive containment water dropped on him, affecting him physically and mentally. After 10 years of collecting workers compensation, investigators determined there was no evidence that radioactive water dropped on him, and that he was also operating his own construction business on the side.

Shooting Target

While workers compensation claims can be audacious or amusing, they can also be quite dangerous. Heney's been shot at more than once. During one case, Heney parked off a dirt road in rural New Hampshire, in the driveway of a neighbor who wasn't home. He was there to film a supposedly disabled auto mechanic who claimed he slipped after using his wrench to remove a ball joint from a car, hurting his back, arm, hand and shoulder. Four months later, doctors said he could go back to work but the auto mechanic disagreed. Heney filmed the man looking anything but disabled, carrying a heavy air compressor and tool box and then setting up an 11-pound grinder to scour away rust spots on an old Volkswagen van. The man spotted Heney and walked back into the house. His wife came out wearing her husband's jacket and hat and proceeded to continue scouring rust off the van, barely handling the grinder.

Heney realized the man was trying to create a situation where he could claim in court that his wife was grinding rust off the car instead of him.

But having all the film he needed, Heney backed out of the neighbor's driveway and left. Heading past the suspect's house, the man fired two shots at him from a double barreled shot gun, though the man was too far away to have caused any damage.

Heney, working with the insurer, took the man to court and they got his benefits shut off, which is where the story should have ended.

Three years later, Heney read the paper and realized he could have gotten off far worse than a couple of stray shots.

"This gentleman had killed his own child and buried (him) in the backyard," he said.

"It could have been me buried in his backyard. The man was obviously a lunatic and very dangerous." p