



NEWS RELEASE

Office of the New York State Welfare Inspector General
Catherine Leahy Scott – Acting Welfare Inspector General

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LAST OF THREE ERIE COUNTY HOME HEALTH AIDES PLEADS GUILTY TO HER PART IN \$107,000 WELFARE FRAUD

BUFFALO- New York State Inspector General Catherine Leahy Scott and Erie County District Attorney John J. Flynn today announced the guilty plea of the last of three Erie County women, all childhood acquaintances, who were charged with fraudulently receiving more than \$107,000 in welfare benefits while earning more than a half-million dollars income as aides for an elderly West Seneca woman. Their work income, which they failed to report to the Erie County Department of Social Services, made them ineligible for the public assistance benefits.

Michelle Dudek, 30, of Abbott Road, Buffalo, pleaded guilty today to Welfare Fraud in the Third Degree, a felony. Through the fraud she committed, Dudek collected more than \$21,600 in welfare benefits to which she was not entitled

Dudek's codefendants, Kelly Foss, 44, of Peters Corners Road, Alden, and Suzanne Smith, 50, of Athol Street, Buffalo, both pleaded guilty to the same charge in November.

"These three defendants used their childhood connections to perpetrate a long-term fraud sustained through subterfuge. They were gainfully employed while stealing taxpayer-funded benefits meant only for those who are most in need of public assistance," said **Inspector General Leahy Scott**. "I will spare no effort to protect these vital government assistance programs and pursue anyone who abuses them."

An investigation by Inspector General Leahy Scott with the assistance of the Erie County Department of Social Services Special Investigations Unit revealed that Smith, Dudek, and Foss were all privately employed as aides tasked with providing care for an elderly West Seneca woman between 2011 and the woman's death in May 2016. During their employment, all three women were collecting benefits through the Erie County Department of Social Services. The defendants were all paid on a weekly basis for their work as aides. None of the income the defendants received from their employment was ever reported to the Department of Social Services. The defendants' failure to properly report their income resulted in them fraudulently receiving benefits to which they were not entitled.

Dudek was collecting both food stamp and Medicaid during the time she was employed. During her employment from 2011 to 2016, Dudek received \$82,314.00 in employment income. Her failure to report this income resulted in her fraudulently receiving \$15,865.00 in food stamp benefits as well as \$5,751.58 in Medicaid.

Smith was also collecting both food stamp benefits and Medicaid during the time she was employed. During her employment from 2011 to 2016, Smith received \$142,674.18 in income. Her failure to report this income resulted in her fraudulently receiving \$10,953.00 in food stamp benefits as well as \$40,509.68 in Medicaid.

Foss was collecting food stamp benefits during the time she was employed. During her employment from 2011 to 2016, Foss received \$307,478.50 in income. Her failure to report this income from employment resulted in her fraudulently receiving \$34,155.00 in food stamp benefits.

All of the pleas occurred in Erie County Court and Smith, Foss and Dudek are scheduled for sentencing early next year.

Inspector General Leahy Scott thanked the Erie County Department of Social Services Special Investigations Unit for their assistance with the investigation, the New York State Police for their assistance with the arrest, and Erie County District Attorney John J. Flynn and his office for prosecuting this matter.

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The New York State Office of the Welfare Inspector General investigates fraud, abuse or illegal acts committed against public assistance programs designed to help those in need. Our office also investigates complaints about the agencies and local social services districts who administer social services programs. Complaints and referrals are kept confidential. We can be reached by calling toll free: 1-800-367-4448, utilizing our online complaint form: <http://www.ig.ny.gov> or sending an email to: inspector.general@ig.ny.gov. You also can write to our office at: Office of the Welfare Inspector General, Empire State Plaza, Agency Building 2, 16th Floor Albany, New York 12223