



NEWS RELEASE

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

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ERIE COUNTY HOME HEALTH AIDES SENTENCED AND ORDERED TO PAY FULL RESTITUTION FOR THEIR ROLES IN A \$107,000 WELFARE FRAUD SCHEME

BUFFALO- New York State Inspector General Catherine Leahy Scott and Erie County District Attorney John J. Flynn today announced the sentencing of two of the three Erie County women, all childhood acquaintances, who fraudulently took 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 they received.

Suzanne Smith, 50, of Athol Street, Buffalo, was sentenced today to 250 hours of community service, three years of probation, and ordered to pay \$51,462.68 in restitution. One of Smith's codefendant in the case, Kelly Foss, 44, of Peters Corners Road, Alden, was sentenced to five years of probation and ordered to pay \$34,155 in restitution for her part in the crime. The third codefendant, Michelle Dudek, 30, of Abbott Road, Buffalo, is scheduled for sentencing later this month. All three admitted to their roles in the crime and pleaded guilty late last year to Welfare Fraud in the Third Degree, a felony.

"This was a shameless scheme concocted by three long-time acquaintances who unabashedly stole vital taxpayer-funded welfare benefits while concealing their true earnings," said **Inspector General Leahy Scott**. "I will continue to use all the resources at my disposal to protect critical government assistance programs meant only for those who are in the most financial need."

"Public assistance benefits are for those who truly need help paying for food and other basic needs. Despite being employed and earning an income, these women decided to take money from the taxpayers of New York State for their own benefit," said **District Attorney Flynn**. "Our office will continue to work hard to make sure the welfare system is operating properly and will prosecute those who abuse that system."

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.

Smith was 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.

Dudek was also 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.

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