



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 AIDE PLEADS GUILTY FOR HER PART IN A \$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 one 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 allegedly failed to properly report to the Erie County Department of Social Services, made them ineligible for the public assistance benefits.

Suzanne Smith, 50, of Athol Street, Buffalo, pleaded guilty today to Welfare Fraud in the Third Degree, a felony.

“Through brazen subterfuge, this defendant took part in a six-figure fraud to steal taxpayer-funded benefits which are meant only for those most in need of public assistance,” said **Inspector General Leahy Scott**. “It remains my priority to protect the integrity of these vital government assistance programs and pursue anyone who abuses them.”

“This defendant was double-dipping for years in this scheme to defraud the state of money that is designated for people who need assistance,” said **District Attorney Flynn**. “Our office is committed to protecting taxpayer dollars and prosecuting these cases to the fullest extent of the law.”

Charges against Smith’s codefendants in the case remain pending.

Michelle Dudek, 30, of Abbott Road, Buffalo, remains charged with Grand Larceny in the Third Degree, Welfare Fraud in the Third Degree, and eleven (11) counts of Offering a False Instrument for Filing in the First Degree, all felonies.

Kelly Foss, 44, of Peters Corners Road, Alden, remains charged with Grand Larceny in the Third Degree, Welfare Fraud in the Third Degree, and four (4) counts of Offering a False Instrument for Filing in the First Degree, all felonies.

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.

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 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.

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.

Smith pleaded guilty in Erie County Court and is scheduled for sentencing on Feb. 8, 2018. Dudek and Foss remain charged pending further court action.

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.

Foss and Dudek, the remaining two defendants in the case, are presumed innocent until and unless proven guilty in a court of law.

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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