



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 CARE AIDES CHARGED WITH MORE THAN \$107,000 WELFARE FRAUD

BUFFALO- New York State Inspector General Catherine Leahy Scott and Erie County District Attorney John J. Flynn today announced the arrests of three Erie County women, all acquaintances since childhood, on charges that collectively they fraudulently received more than \$107,000 in Supplemental Nutrition Assistance Program (commonly known as food stamps) and Medicaid benefits between 2011 and 2016 while earning income as aides for an elderly West Seneca woman. Their work income, which they failed to properly report to the Erie County Department of Social Services, made them ineligible for the public assistance benefits.

Suzanne Smith, 49, of Athol Street, Buffalo, was charged today with Grand Larceny in the Second Degree, Welfare Fraud in the Second Degree, and ten (10) counts of Offering a False Instrument for Filing in the First Degree, all felonies.

Michelle Dudek, 30, of Abbott Road, Buffalo, was charged today 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, was charged today 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.

“Through a years-long scheme, these three defendants earned income from steady employment and then brazenly padded their pockets with public benefits meant only for those most in need of government assistance. Simply stated, they claimed they were indigent when indeed they were not, leaving taxpayers paying for a six-figure fraud,” said Inspector General Leahy Scott. “It is a priority of my office to protect the integrity of government assistance programs to help ensure the continued availability of a critical safety net for the most vulnerable. Only through law enforcement partnerships such as the one between my office and District Attorney Flynn, can we successfully move forward with these important cases.”

“These benefits are for those in need and when they are abused, the taxpayers in New York are the ones who get cheated,” said **District Attorney Flynn**. “Our office is working hard to make sure the welfare system is operating properly.”

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, Dudek and Foss were all arraigned in Buffalo City Court and released 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 and the Buffalo Police Department for their assistance with the arrest, and Erie County District Attorney John J. Flynn and his office for prosecuting this matter.

The defendants 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