



# NEWS RELEASE

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

FOR IMMEDIATE RELEASE: Feb. 22, 2018  
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## LAST OF THREE ERIE COUNTY HOME HEALTH AIDES SENTENCED FOR HER ROLE 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 the last of 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.

Michelle Dudek, 30, of Abbott Road, Buffalo, was sentenced today to a three-year conditional discharge. She has also signed a confession of judgment and repayment agreement for the full \$21,616.58 in benefits she improperly received. Dudek's two codefendants in the case were sentenced earlier this month. Suzanne Smith, 50, of Athol Street, Buffalo, was sentenced to 250 hours of community service, three years of probation, and ordered to pay \$51,462.68 in restitution. 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. All three previously pleaded guilty in this case to Welfare Fraud in the Third Degree, a felony.

"These three defendants shamelessly concealed their earnings to steal welfare benefits to which they were not entitled," said **Inspector General Leahy Scott**. "I will continue to use the resources available to me to protect government assistance programs meant only for those who are in the most financial need."

An investigation by Inspector General Leahy Scott with the assistance of the Erie County Department of Social Services Special Investigations Unit revealed that Dudek, Smith 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](mailto: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*