



NEWS RELEASE

From New York State Workers' Compensation Fraud Inspector General
Catherine Leahy Scott

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MIDDLETOWN FORMER FEDEX WORKER CAUGHT KICKBOXING WHILE COLLECTING DISABILITY BENEFITS

ALBANY – New York State Workers' Compensation Fraud Inspector General Catherine Leahy Scott today announced the arrest of a Middletown former FedEx worker who was caught in a kickboxing workout while collecting Workers' Compensation disability benefits for an injury he said made him unable to do his job. He was charged with stealing more than \$9,000 in benefit payments.

Joey Ocasio, 47, of Grand Avenue, Middletown, was arrested and charged today with Grand Larceny in the Third Degree and the Workers Compensation crime of Fraudulent Practices, felonies.

An investigation by Workers' Compensation Fraud Inspector General Leahy Scott found that Ocasio reported a debilitating shoulder injury in April 2015 from tripping over a pallet while working as a FedEx driver. Following that reported injury, Ocasio stopped working and began collecting Workers' Compensation benefits in years since at a rate for 100 percent disability. In November 2017, however, Ocasio was observed working out in a Middletown martial arts school and gym where he was seen boxing, performing high kicks, jumping jacks and gymnastic squats. At a New York State Workers' Compensation Board hearing in February 2018, Ocasio's treating physician testified that Ocasio was "not disabled at all" and "far from disabled" after seeing surveillance video of Ocasio working out at the martial arts gym.

"Feigning complete disability as he is caught kickboxing on film, this defendant's greed led to a deliberate abuse of a benefits program meant to assist honest and hard-working New Yorkers," said Workers' Compensation Fraud Inspector General Leahy Scott. "My office will continue to pursue anyone who corrupts and takes advantage of the state's vital Workers' Compensation system."

The investigation found that between the time Ocasio was observed working out at the gym and the Workers' Compensation Board hearing when his disability payments were ceased, Ocasio collected more than \$9,000 in Workers' Compensation benefits to which he was not entitled.

Under State law, employers are required to maintain Workers' Compensation coverage for their employees, and employees are expected to provide truthful information regarding their injuries and work activity to insurance carriers and the Workers' Compensation Board during the time they are receiving benefits.

Ocasio was arraigned on the charges in the City of Middletown Court and released on his own recognizance pending his reappearance in court scheduled for May 30, 2019.

Workers' Compensation Fraud Inspector General Leahy Scott thanked the Orange County Sheriff's Office for their assistance with the arrest and Orange County District Attorney David M. Hoovler and his office for prosecuting this matter.

The charges are merely allegations and the defendant is presumed innocent until and unless proven guilty in a court of law.

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The New York State Office of the Workers' Compensation Fraud Inspector General investigates fraud, abuse and/or illegal acts against the New York State Workers' Compensation system, including fraud by medical service providers, employers seeking to evade appropriate Workers' Compensation charges, and employees who fabricate injuries to fraudulently receive system benefits. Complaints and referrals are kept confidential. We can be reached by calling toll free: 1-800-367-4448, utilizing our online complaint form at <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 Workers' Compensation Fraud Inspector General, Empire State Plaza, Agency Building 2, 16th Floor, Albany, New York 12223