



NEWS RELEASE

**From New York State Inspector General
Letizia Tagliafierro**

FOR IMMEDIATE RELEASE: November 26, 2019
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ORANGE COUNTY THRUWAY MECHANIC WHO WORKED FOR PRIVATE HVAC BUSINESS WHILE COLLECTING WORKERS' COMPENSATION FOR ALLEGED INJURIES CONVICTED FOR FRAUD

NEWBURGH – New York State Inspector General Letizia Tagliafierro today announced the guilty plea of a New York State Thruway Authority mechanic who claimed he was injured on the job, resulting in him receiving more than \$33,000 in workers' compensation benefits over the course of two years to which he was not entitled while he was also running a private HVAC repair business on the side.

Daniel Dattilo, 47, of Highland Mills in Orange County, was arraigned, pled guilty and sentenced today before Judge Richard Clarino in Town of Newburgh Justice Court. He pled guilty to attempted Fraudulent Practices, was sentenced to one-year conditional discharge, and repaid \$33,629.39 in restitution. He also signed a waiver relinquishing any right to future wage indemnity awards on his Workers' Compensation claims. Dattilo resigned from state service on December 19, 2018.

"This individual ripped off the workers' compensation system while performing labor for his private business," said Inspector General Tagliafierro. "Even while receiving benefits, he brazenly renewed his contractor's license, bid for jobs and even acknowledged he was the sole employee of his business. We are holding him responsible for his actions and will pursue justice on behalf of those who legitimately need the safety net of workers' compensation benefits."

An investigation by the Office of the New York State Workers' Compensation Fraud Inspector General found that Dattilo filed a workers' compensation claim for an injury to his neck, back and right knee sustained on October 3, 2014, when his work vehicle was rear-ended. Two years later, he began taking time off work purportedly to treat the injuries. From October 6, 2016 to November 22, 2017, Dattilo remained out of work and received workers' compensation benefits. Five days after returning to work, Dattilo filed a new workers' compensation claim alleging an injury to his back sustained while loading a wheelbarrow. He again stopped working and continued to receive wage indemnity benefits from December 28, 2017 through November 5, 2018.

For both alleged injuries, Dattilo filed paperwork and documentation with the New York State Workers' Compensation Board relating to independent medical examinations and certifying that he was unable to and not working due to his condition. He also testified that, while he also owned a home-based business – Absolute Heating, Air Conditioning & Plumbing, Inc. – it was no longer active and he did not perform any services other than answering the phone to make referrals to other businesses.

However, the Inspector General's investigation determined that Dattilo was indeed performing work for his HVAC business during the times he claimed he was unable to work and collecting workers' compensation benefits. The investigation uncovered the following: business records showing Dattilo submitting bids for and accepting work; applications to renew Dattilo's license from the Rockland County Office of Consumer Protection; the submission of a Certificate of Attestation of Exemption (CE-200) to the Rockland County Office of Consumer Protection certifying that he was exempt from carrying workers' compensation insurance because his business had no employees or subcontractors and, therefore, all work was being completed by Dattilo

himself; witnesses who observed Dattilo performing services first-hand; and billing invoices from supply companies showing extensive supply purchases throughout the time that he was receiving benefits.

Inspector General Tagliafierro thanked the New York State Insurance Fund for its assistance in the investigation, the Town of Newburgh Police Department for its assistance in the arrest, and Orange County District Attorney David M. Hoovler and his office for prosecuting this matter.

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