



Department of Investigation

Press Release

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CORRECTION OFFICER ARRESTED FOR FRAUD **-- Filed Forged Doctors' Notes For Over \$29,000 In Sick Leave Pay --**

ROSE GILL HEARN, Commissioner of the Department of Investigation (DOI), today announced the arrest of ELIO VARGAS, a former Correction Officer with the New York City Department of Correction (DOC), who is charged with having filed 42 phony doctors' notes with DOC to justify his having reported sick on 125 work days for which he received full pay, totaling \$29,397. DOI investigators arrested VARGAS Friday in Queens.

Commissioner Gill Hearn said, "This Correction Officer is charged with using forged and false documents to defraud DOC and with the outright theft of generous sick leave benefits. When malingering escalates into the realm of criminal conduct, DOI will vigorously investigate and pursue criminal prosecution of the offenders. The City, facing diminished revenues, cannot afford employees who would steal valuable benefits through fraud." Commissioner Gill Hearn praised the cooperation of DOC's managers in the investigation.

DOC Commissioner William J. Fraser said, "Unlimited sick leave is an important benefit for Correction Officers who are injured on the job or who become ill. Abuse of this benefit cannot be tolerated. The charges against this officer allege that he submitted false medical documents for personal gain, and such greed and dishonesty should be punished to the maximum penalty the law provides."

DOC Correction Officers are entitled to unlimited paid sick leave, but must comply with departmental rules intended to discourage abuse. For example, when a Correction Officer's sick leave exceeds two consecutive days, the officer must submit a doctor's note on an approved DOC form.

Commissioner Gill Hearn said that in late 2000 DOC's Health Management Division had alerted DOI that VARGAS had provided several doctors' notes that might have been altered or fabricated. DOI's investigation revealed that, from May 1999 through August 2001, VARGAS had submitted 47 DOC medical forms supposedly completed by four different physicians. However, according to the doctors themselves, only five of the documents were authentic. The remaining, false, notes contained various discrepancies, including incorrect physicians' license and telephone numbers and, in three cases, statements indicating, falsely, that a surgeon whose practice is in fact limited to diseases of the retina had treated VARGAS for injuries to the arm, thumb, and knee.

VARGAS, 38, of Manhattan, has been charged with 42 counts of Criminal Possession of a Forged Instrument in the Second Degree, a class D felony, one count of Grand Larceny in the Third Degree, a class D felony, 42

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counts of Offering a False Instrument for Filing in the First Degree, a class E felony, and Official Misconduct, a misdemeanor. If convicted, he faces up to seven years in prison. VARGAS, who had held his DOC position for 13 years, and had received an annual salary of \$54,048, resigned on October 17, 2001, while facing disciplinary charges for unauthorized absence from work.

The investigation was conducted by Michael Caruso, DOI's Assistant Commissioner and Inspector

General for DOC, and members of his staff, particularly First Deputy Inspector General Josephine Pradegan and Confidential Investigator Danielle White.

The office of Queens District Attorney Richard A. Brown is prosecuting the case, which has been assigned to Assistant District Attorney Phyllis Weiss of the Public Integrity Bureau, under the supervision of James Liander, Bureau Chief.

The charge is merely an accusation, and the defendant is presumed innocent unless convicted in court.