

Department of Justice

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FOR IMMEDIATE RELEASE
NOVEMBER 8, 2012
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MANCHESTER MAN SENTENCED FOR FILING FALSE MILITARY DISCHARGE CERTIFICATE

ROCHESTER, N.Y.-- U.S. Attorney William J. Hochul, Jr. announced that Marc S. Restucci, 58, of Manchester, N.Y., who was convicted of filing a false military discharge certificate, was sentenced to two years probation by U.S. Magistrate Judge Marian W. Payson.

Assistant U.S. Attorney Craig R. Gestring, who handled the case, stated that the defendant made a claim for VA Disability Benefits to which he was not entitled. When that claim was denied, Restucci submitted false documents to the United States Department of Veterans Affairs including a false DD-214, Certificate of Discharge, which contained references to combat service and awards received during Operation Urgent Fury, the 1983 invasion of Grenada. In addition, the defendant submitted other items to the VA claiming to have received the Purple Heart Medal for combat related wounds. Receipt of the Purple Heart Medal creates a presumption of service connected disability with the VA.

Criminal investigators from the Department of Veterans Affairs, Office of Inspector General, determined that the documents were false. They also determined that Restucci never served in Operation Urgent Fury, was never in Grenada, and never saw any combat or action with a hostile enemy force during his military service. The Certificate of Discharge was falsely altered to include the award of the combat medical badge and the Purple Heart Medal, and included a forged signature and notary seal.

The defendant was originally arrested and charged with a criminal violation of the Stolen Valor Act, which made it a federal crime to falsely represent that a person was awarded any decoration or medal authorized by Congress for the Armed Forces of the United States. He was, at that time, subject to an enhanced penalty for falsely claiming to

have received the Purple Heart Medal. However, in June of this year, the United States Supreme Court in United States vs. Alvarez found the Stolen Valor Act to be unconstitutional under the First Amendment thus precluding further prosecution.

The sentencing is the culmination of an investigation by Special Agents from the United States Department of Veterans Affairs - Office of Inspector General, under the direction of Special Agent In Charge Jeffrey G. Hughes, and Special Agents from the Federal Bureau of Investigation, under the direction of Special Agent in Charge Christopher M. Piehota.

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