



## U.S. Department of Justice

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building*

*One Saint Andrew's Plaza  
New York, New York 10007*

### **LIRR Disability Fraud Voluntary Disclosure and Disposition Program**

#### **What is the benefit of the Program?**

- All eligible persons who meet the requirements of the Voluntary Disclosure and Disposition Program (the "Program") and enter into the Program's written agreement with the United States Attorney's Office for the Southern District of New York (the "Office") will not be criminally prosecuted for fraud on the United States Railroad Retirement Board (the "RRB"), nor will this Office file a civil action against them relating to such fraud. Further, the RRB will agree not to file an administrative action against them, and the Long Island Rail Road Company (the "LIRR") will not take any action against their Company Pension Plan benefits.
- Persons who act before the "Early Voluntary Disclosure" deadline of July 6, 2012 will be required to relinquish all future disability benefits, but will not be required to repay RRB disability benefits or post-retirement sick pay benefits received prior to acceptance into the Program.
- Persons accepted to the Program who act after the Early Voluntary Disclosure deadline but before the "Standard Voluntary Disclosure" deadline of August 10, 2012 will be required to relinquish all future disability benefits, and also repay 50% of the disability payments received prior to acceptance into the Program.

#### **Who is eligible?**

To be eligible, an individual must meet two criteria and must not otherwise be disqualified from participating in the Program (see below for details about who may be disqualified from the Program):

The criteria are: (1) you must be an LIRR retiree who is receiving RRB disability benefits, and (2) in support of your application for disability, and/or subsequent

statements made to the RRB, you, or doctors or others on your behalf, made what you understood to be false or misleading statements with respect to your health condition, ability to work, or your eligibility for RRB disability benefits.

You are disqualified from the Program if you are an otherwise-eligible individual who is presently charged or under active investigation by the United States Attorney's Office for the Southern District of New York. To determine if you are disqualified, you should apply for the Program, as described below. If you are disqualified from the Program and are interested in resolving the matter, your attorney should contact the U.S. Attorney's Office. The U.S. Attorney's Office reserves the right to permit an otherwise disqualified person to participate in the Program.

### **How do I apply for the Program?**

Eligible individuals may apply for the Program by filling out one of the enclosed forms, which will serve both as your application **and** your agreement in the event it is accepted by the United States Attorney's Office.

**Your statements in the application and agreement document will not be used against you in any way except if you (i) make a false statement in that document, or (ii) are accepted into the Program and later breach the agreement or make statements that are inconsistent with the statements you made in that document. This limitation will not restrict the U.S. Attorney's Office from using your statements in connection with proceedings involving other individuals or from seeking your assistance in connection with such matters. You are not accepted into the Program unless and until you receive a copy of the agreement that is signed by authorized representatives of the U.S. Attorney's Office for the Southern District of New York, the RRB, and the LIRR.**

### **What are the deadlines?**

To participate in the "Early Voluntary Disclosure" Program, you must complete and post-mark your application on or before **July 6, 2012**.

To participate in the "Standard Voluntary Disclosure" Program, you must complete and post-mark your application on or before **August 10, 2012**.

**How do I find out if I am eligible, or instead am disqualified from eligibility because I am currently under active investigation by the United States Attorney’s Office for the Southern District of New York?**

Apply for the Program. The statements made in the application will not be used against you except in the limited circumstances described above and in the application document. The U.S. Attorney’s Office will check your name against its list of disqualified persons and notify you if you are disqualified. If you are disqualified from eligibility for the Program but are interested in a negotiated resolution, you should have your attorney contact the U.S. Attorney’s Office.

**What if I am eligible but do not participate in the Program?**

Participation in the Program is entirely voluntary. If you do not participate in the Program, however, and engaged in wrongdoing, you may face criminal, civil and/or administrative action. You may be prosecuted for various criminal offenses, including offenses carrying maximum punishments of 20 years’ imprisonment, and if convicted, face a prison term. You may also be subject to forfeiture of all proceeds of the crime (*i.e.*, all disability and post-retirement sick pay benefits received by you), an order of restitution requiring you to repay the disability and sickness payments, and fines. In addition, you may face a civil (*i.e.*, non-criminal) action brought by this Office to terminate your benefits and to require you to pay up to three times the disability and post-retirement sick pay benefits you have received, plus monetary penalties. Furthermore, the RRB could bring administrative proceedings against you to stop your benefits or recover benefits you have received in the past. Finally, the LIRR could potentially bring administrative proceedings seeking forfeiture of your Company Pension Plan benefits.

**What if I am an LIRR retiree who receives disability benefits from the RRB, but my application for those benefits was entirely truthful?**

You are not eligible. This Program does not apply to you.

**What is the benefit of participating in the “Early Voluntary Disclosure” Program rather than the “Standard Voluntary Disclosure” Program?**

Individuals who participate in the Early Program, by applying on or before July 6, 2012, will not be required to pay back any of the disability payments they have already received. By contrast, individuals who apply after July 6, 2012, but on or

before August 10, 2012, will be required to repay 50% of the RRB disability benefits already received.

**What if I want to participate in the Program, but apply after the deadline set for the “Early Voluntary Disclosure” Program?**

Provided you participate before the deadline for the “Standard Voluntary Disclosure” Program, you will receive some, but not all, of the same benefits of the “Early Voluntary Disclosure” Program. That is, you will not be prosecuted for obtaining RRB disability and post-retirement sick benefits, this Office will not bring a civil action against you, and the RRB and the LIRR will not institute administrative proceedings against you. In return, you will agree to repay 50% of the RRB disability benefits you have received and to relinquish any future disability payments.

**What if I am eligible but miss the deadline both for the “Early Voluntary Disclosure” Program and the “Standard Voluntary Disclosure” Program?**

You may be criminally prosecuted as described above. You also may face the non-criminal (*i.e.*, civil and administrative) proceedings described above, which could result in a termination of your benefits and recovery of monetary damages of up to three times the amount you have received, plus monetary penalties. If you would like to discuss the possible resolution of this matter after these deadlines, have your attorney contact the United States Attorney’s Office.

**Whom should I or my attorney contact with additional questions about the Program or to discuss a resolution?**

Contact the United States Attorney’s Office by sending an email with your question and contact information to [usanys.lirrprogram@usdoj.gov](mailto:usanys.lirrprogram@usdoj.gov) or by leaving a voice message with your question and contact information at 212-637-2332.