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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK HOLZER,

Defendant.

SA CR No. **CR-16-00078**
I N F O R M A T I O N
[18 U.S.C. § 1920: False Statements to Obtain Federal Employees' Compensation; 18 U.S.C. § 2(b): Causing an Act to be Done]

[CLASS A MISDEMEANOR]

The United States Attorney charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Information:

1. Defendant MARK HOLZER ("defendant HOLZER") was a resident of Orange County, within the Central District of California.
2. The Federal Employees' Compensation Act, Title 5, United States Code, Sections 8101, et seq. ("FECA"), provided compensation benefits to civilian employees of the United States, including United States Postal Service ("USPS") employees, for wage-loss disability due to a traumatic injury or occupational disease sustained while working as a federal employee. Benefits available

1 pursuant to the FECA were administered by the Office of Workers'
2 Compensation Programs ("OWCP"), a component of the Department of
3 Labor ("DOL").

4 3. Benefits paid to USPS employees under FECA were funded
5 by monies belonging to the USPS, an agency of the United States.

6 4. A wage-loss disability claimant was required to return
7 to work (including limited duty or part-time work) as soon as the
8 claimant was able. The claimant's benefits were generally reduced if
9 the claimant recovered sufficiently to work part-time or full-time,
10 including limited duty work.

11 5. On or about October 10, 2008, defendant HOLZER
12 reported that he incurred a work-related injury to his left shoulder
13 and lower back in connection with lifting mail from a hamper to his
14 mail delivery truck. At the time, defendant HOLZER was working as a
15 mail carrier for the Tustin Post Office.

16 6. On or about October 10, 2008, defendant HOLZER
17 completed and signed a Form CA-1 (Notice of Traumatic Injury and
18 Claim for Continuation of Pay/Compensation), which form included the
19 following notice:

20 Any person who knowingly makes any false
21 statement, misrepresentation, concealment of fact
22 or any other act of fraud to obtain compensation
23 as provided by FECA or who knowingly accepts
24 compensation to which that person is not entitled
25 is subject to civil or administrative remedies as
26 well as felony criminal prosecution and may,
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1 under appropriate criminal provision, be punished
2 by a fine or imprisonment or both.

3 7 Defendant HOLZER claimed that he was physically unable
4 to perform activities associated with driving and the delivery of
5 mail, which activities were required in his position as a mail
6 carrier.

7 8. On the basis of his claimed injury, defendant HOLZER
8 received benefits under FECA, including physicians' care,
9 medications, physical therapy, and a percentage of his regular pay.

10 COUNT ONE

11 [18 U.S.C. §§ 1920, 2(b)]

12 On or about July 8, 2011, in Orange County, within the
13 Central District of California, and elsewhere, defendant HOLZER
14 knowingly and willfully falsified, concealed, and covered up a
15 material fact, and made a false, fictitious, and fraudulent statement
16 and representation and report, and did cause a false representation
17 and report to be made, knowing the representation and report to be
18 false, in connection with the receipt of compensation and other
19 benefit and payment under FECA, in that defendant HOLZER falsely
20 claimed and thereby caused his treating physician at Coastline
21 Orthopaedic Associates to falsely report and represent to OWCP that
22 defendant HOLZER was unable to perform his regular work duties

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1 without certain restrictions identified on a "Work Status Report,"
2 which was submitted to OWCP so that defendant HOLZER would continue
3 to receive FECA benefits.

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5 EILEEN M. DECKER
United States Attorney

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7 LAWRENCE S. MIDDLETON
Assistant United States Attorney
8 Chief, Criminal Division

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11 LIZABETH A. RHODES
Assistant United States Attorney
12 Chief, General Crimes Section

13 CATHY J. OSTILLER
Assistant United States Attorney
14 Deputy Chief, General Crimes Section

15 ASHWIN JANAKIRAM
Special Assistant United States Attorney
16 General Crimes Section