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JAMES C. BRAZELTON
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NEWS RELEASE

For Immediate Release

Date: March 15, 2002

Re: **Insurance Fraud Conviction**

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MODESTO, California— District Attorney James C. Brazelton announced today that Paul Joseph Mucherino of Ceres, has been convicted of felony Insurance Fraud. Mucherino was accused of violating California Insurance Code Section 1871.4(a)(1). He entered a negotiated plea of “No Contest” on March 12th 2002. Prosecutor Randy Fischer, from the Stanislaus County District Attorney Worker’s Compensation Fraud Unit, prosecuted the case for the People.

Mucherino’s conviction arose from events that occurred from December 1999 through June of 2001 when he was employed as a security guard for Guardsmark, Inc., a Sacramento based company. After working for Guardsmark for less than a month, Mucherino claimed he had stepped in a hole while on patrol and injured his left knee, foot and ankle. Mucherino claimed that because of the on-the-job injury he was in too much pain to work and was subsequently put on disability.

Mucherino reported to both Guardsmark agents and his treating physicians that he had never suffered an injury to this area of his body before. On his Guardsmark

employment application Mucherino stated that he had never served in the armed forces. Subsequent investigation revealed that Mucherino had actually been medically discharged from the U.S. Army in 1995 because of injuries to his left leg and foot. Moreover, Mucherino had made prior disability claims for Worker's Compensation benefits against the Vintage Faire Round Table Pizza in 1991 and Wendy's Restaurant on Dale road in 1992. Both claims involved alleged on-the-job injuries to his left knee.

Under California Worker's Compensation Law, a treating doctor must evaluate both the current on-the-job injury and any prior injury suffered by someone applying for disability benefits, in order to make a determination how much payment will be made by the employer. By denying he had ever sustained his prior injuries, Mucherino was misleading regarding his prior injuries and violated State law.

Upon conviction, Mucherino received a sentence of 45 days in jail and three years of formal probation. He is required to pay restitution to the company for the disability benefits he already received in the amount of \$11,941.17.