



## **Probation, Restitution Add New Twist to Wrist Injury**

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**July 18, 2008**

He claimed that his wrist injury prevented him from working, but he was able to operate his own home improvement business for nearly two years afterward. Now he's faced with three years' probation and has paid more than \$7,400 restitution to NYSIF for workers' compensation benefits to which he was not entitled.

Emilson Zelaya, 40, of Lindenhurst, NY, pleaded guilty in Suffolk County Court to attempted fraudulent practices as a misdemeanor in June. Mr. Zelaya was arrested by Suffolk County DA Thomas Spota's Office last September on a felony charge of violating Section 114 of the New York State Workers' Compensation Law.

Mr. Zelaya had been receiving \$134 per week in workers' compensation benefits for a work-related wrist injury he reported to NYSIF in January 2005. An investigation begun by NYSIF's Division of Confidential Investigations, however, found that Mr. Zelaya had been operating a home improvement business from October 2005 to September 2007, while denying any employment in a signed form that he submitted to NYSIF.

Mr. Zelaya was sentenced to three years' probation and ordered to pay restitution of \$7,425 to NYSIF. Mr. Zelaya also submitted to an agreement permanently ending his workers' comp. claim.

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