



Office of the Inspector General Commonwealth of Massachusetts

Inspector General's Investigation of Boston Fire Department Accidental Disability Pension Fraud Update, February 2010

A joint investigation conducted by the Massachusetts Office of the Inspector General, the Federal Bureau of Investigation, the Boston Police Department and the U.S. Attorney's Office led to the indictment of two former Boston firefighters and the conviction of a Boston Fire Department civilian employee.

The joint investigation resulted in James Famolare and Albert Arroyo, two former Boston firefighters, being indicted by a Federal Grand Jury on October 20, 2009 on mail fraud charges involving their applications for accidental disability pensions. In addition, Erica Boylan, a clerk in the Boston Fire Department, was indicted by a Federal Grand Jury on October 20, 2009 and charged with perjuring herself and obstructing the grand jury investigation in this matter.

The mail fraud indictments charge that the City of Boston was defrauded by both firefighters when they sought accidental disability retirement pensions after allegedly suffering injuries while on the job. In the case of Famolare, the indictment charges that in June 2006, while working for one day in an acting capacity for the absent Deputy Chief of Personnel in the Boston Fire Department, Famolare falsely claimed he suffered a career-ending injury while moving a box of files. The indictment alleges that in his accidental disability retirement application filed in October 2006, Famolare fraudulently claimed to be totally and permanently disabled by his box moving injury, seeking to obtain benefits at a higher grade salary, including tax-free injured leave pay and a higher accidental disability retirement pension.

In the case of Albert Arroyo, the indictment charges that in March 2008 Arroyo claimed he fell while walking in a fire station in Jamaica Plain. Arroyo claimed that this fall left him totally and permanently disabled from the performance of his duties. At the time of the claimed fall, Arroyo was assigned to Fire Prevention, a job which did not require fighting fires, but rather required him to inspect buildings and to complete various paperwork related to those inspections. In Arroyo's April 2008 accidental disability retirement application, Arroyo claimed that he was permanently and totally disabled as a result of his March 2008 fall. He failed to disclose his repeated visits to gyms where he trained for a May 2008 body building competition. This scheme was aimed at obtaining tax-free benefits and an inflated accidental disability retirement pension.

If convicted on these charges, Famolare and Arroyo each face up to 20 years imprisonment, to be followed by 3 years of supervised release and a \$250,000 fine on each count of mail fraud. Famolare is charged with six counts of mail fraud. Arroyo is charged with two counts of mail fraud. Famolare and Arroyo have entered pleas of not guilty to the charges. Trial dates have not been set.

Erica Boylan entered a guilty plea before United States District Judge George A. O'Toole, Jr. on December 16, 2009 and admitted that she made material false statements while testifying under oath before a federal grand jury and obstructed justice in connection with the grand jury's investigation. Specifically, she lied when asked under oath whether she had ever been asked to slow down the accidental disability retirement application process for anyone. Boylan's sentencing is scheduled for March 16, 2010. Boylan faces up to 10 years' imprisonment on the obstruction charge and five years' imprisonment on the perjury charge, to be followed by three years' supervised release and a \$250,000 fine on each count.