
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**

 v. : Mag. No. 04-3049 (PS)

ROBERT LEE NEWBURY :

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A,
continued on the attached pages and made a part hereof,

in violation of Title 18, United States Code, Sections 287 and 2.

I further state that I am a Special Agent with United States Department of Justice, Office of the Inspector General, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Edward A. Huntsinger, Special Agent
United States Department of Justice
Office of the Inspector General

Sworn to before me and subscribed in my presence,
May ____, 2004, at Newark, New Jersey.

HONORABLE PATTY SHWARTZ
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

COUNT ONE: False Claim in Application for Advance Benefits from the September 11th Victim Compensation Fund (18 U.S.C. § 287 and 2)

On or about February 17, 2002, in Somerset, New Jersey, in the District of New Jersey and elsewhere, Robert Lee NEWBURY did make and present to the United States Department of Justice, Office of the Special Master (OSM) of the September 11th Victim Compensation Fund (VCF), a claim upon and against the United States and the OSM, specifically, an Application for Advance Benefits, requesting payment from the VCF for compensation for personal injury suffered during and as a result of the terrorist attacks of September 11th, 2001, and certifying that he was the Personal Representative of a deceased victim of the September 11th attacks, knowing that such claim was false, fictitious and fraudulent in that NEWBURY was not in fact injured in the September 11th attacks and was not in fact the Personal Representative of a deceased victim of the September 11th attacks.

COUNT TWO: False Claim in Application for Personal Injury Compensation from the September 11th Victim Compensation Fund (18 U.S.C. § 287 and 2)

On or about March 30, 2002, in Somerset, New Jersey, in the District of New Jersey and elsewhere, NEWBURY did make and present to the OSM, a claim upon and against the United States and the OSM, specifically, a Personal Injury Compensation Form, requesting payment from the VCF for compensation for personal injury suffered during and as a result of the terrorist attacks of September 11th, 2001, and for permanent disability resulting from such injuries, knowing that such claim was false, fictitious and fraudulent in that NEWBURY was not in fact injured in the September 11th attacks, and was not in fact disabled as a result of any such injuries.

ATTACHMENT B

I, Edward A. Huntsinger, Special Agent with the U.S. Department of Justice (DOJ), Office of the Inspector General (OIG), Fraud Detection Office, having conducted an investigation and having spoken with other individuals, have become aware of the following facts:

1. The Transportation Safety and System Stabilization Act was enacted by the United States Congress in response to the acts of terrorism which occurred on September 11, 2001. The Act established the "September 11th Victim Compensation Fund of 2001" (VCF), which is funded through appropriations from the United States Treasury and administered by the Department of Justice through a Special Master in the District of Columbia.
2. The purpose of the VCF is to compensate victims and/or the families of victims who were either killed or seriously injured as a result of the terrorist attacks of September 11, 2001.
3. Claimants apply for compensation from the VCF by sending a claim application to the offices of the Special Master in Washington, D.C. Claimants may also submit an application to the VCF to receive an advance benefit of up to \$50,000 against any final monetary payment they may be entitled to receive.
4. The applications for compensation and for advance benefits requires claimants to provide information demonstrating the eligibility of the claimant, including identifying the victim or family member of the victim, the victim's name, address, social security number, date of birth, occupation, and describing the serious injury or death.
5. On the application forms for compensation and for advance benefits, claimants must certify their eligibility to receive such compensation or benefits, and further certify as follows:

"I certify that the information provided in this application is true and accurate to the best of my knowledge. Further, I understand that false statements or claims made in connection with this application may result in fines, imprisonment and/or any other remedy available by law to the Federal Government."

On the application form for personal-injury or death compensation, this certification must also be notarized.
6. When claims appear to be fraudulent or suspicious, the Special Master refers the claims to the OIG's Fraud Detection Office in Washington, D.C. for investigation.
7. From in or about February 2002 through at least July 2002, Robert Lee NEWBURY fraudulently sought to obtain Advance Benefits and Personal Injury Compensation from the VCF.

8. On or about February 17, 2002, NEWBURY prepared and submitted by United States Mail to the VCF an Application for Advance Benefits, requesting payment from the VCF for compensation for personal injury suffered during and as a result of the terrorist attacks of September 11th, 2001, and certifying that he was the Personal Representative of a deceased victim of the September 11th attacks. NEWBURY signed the certification described above in Paragraph 5.
9. At the time NEWBURY submitted the Application for Advance Benefits to the VCF, he knew that such claim was false, fictitious and fraudulent in that NEWBURY was not in fact injured in the September 11th attacks and was not in fact the Personal Representative of a deceased victim of the September 11th attacks.
10. On or about March 30, 2002, NEWBURY prepared and submitted by United States Mail to the VCF an application for Personal Injury Compensation, claiming he was injured at the World Trade Center on September 11, 2001, while making deliveries for a trucking company where he worked for as a driver. NEWBURY signed the certification described above in Paragraph 5 and had the certification notarized.
11. On the application for Personal Injury Compensation, NEWBURY claimed to have suffered the following injuries, requiring medical treatment:
 - a. Smoke and debris inhalation, requiring a “10-day [hospital]” stay and “outpatient treatment”;
 - b. Treatment for mental “abuse”;
 - c. Future expected “treatment and testing” for “lung disorders”;
 - d. Permanent and complete medical disability for “breathing” and “permanent mental disability.”
12. On the application for Personal Injury Compensation, NEWBURY also claimed a total of \$1,794,700.08 compensation for the following financial losses and future loss of income:
 - a. \$55,000 earnings from September 11, 2001 to “present” (March 2002);
 - b. \$1,155,000 future expected earnings from age 41 to 62, plus \$323,400 expected “cost of living” raises;
 - c. \$2992.08 lost vacation and sick days; and
 - d. \$581,708 future mortgage, automobile, and tuition payments.
13. NEWBURY appended to the application for Personal Injury Compensation several supporting documents, including:
 - a. An Trucking company driver timecard for September 11, 2001, purporting to indicate that NEWBURY was at “NYC/Trade Center” in the morning; the afternoon portion of the timecard was annotated “uncomplete [sic] due to WTC disaster & attack”;
 - b. A document purporting to be NEWBURY’s driver’s schedule for September 11, 2001, listing “TOWER/NYC” as his first stop;
 - c. A letter purportedly from the President of the trucking company announcing that was ceasing business due, in part, to the September 11 attacks;

- d. A letter on Trucking company letterhead, purportedly from a trucking company manager, confirming that NEWBURY was assigned to make a delivery to the “Twin Trades Center” [sic] on September 11, 2001;
 - e. A letter on trucking company letterhead, purportedly from a trucking company manager, confirming that NEWBURY was an employee on September 11, 2001, that his salary was \$70,000, and that “his manifest and drivers log is correct and accurate”;
 - f. A letter to NEWBURY purportedly from a physician with the initials “JA”, describing “excessive smoke damage to [NEWBURY’s] lungs” and advising that NEWBURY must stop working;
 - g. An invoice purportedly from a New York City hospital listing various medical services provided to NEWBURY on September 12;
 - h. A letter to NEWBURY purportedly from a physician with the initials “RS,” describing test results from September 12, 2001, showing lung damage from “smoke and heat” and advising NEWBURY to “stop all current activity until such matters are given time to heal”;
 - i. An invoice purportedly from the medical practice of a physician with the initials “SP” listing “testing and lab work” performed on NEWBURY on September 12 and September 26;
 - j. A statement purportedly from a medical practice with the initials “PFM”, listing eye treatment performed on NEWBURY on November 12, 2001;
 - k. A letter purportedly from a physician affiliated with PFM with the initials “SS,” stating that the vision in NEWBURY’s left eye is “33% blocked” due to smoke damage, and advising that NEWBURY “stop working”;
 - l. A statement purportedly from a physician with the initials “RN,” listing medical services performed on NEWBURY from September 15, 2001 to January 29, 2002;
 - m. A letter purportedly from a physician with the initials “HL” stating that “the vision in [NEWBURY’s] left eye is almost 40 percent damaged as a result of the various smoke and debris collected on September 11th, 2001”;
14. At the time NEWBURY submitted the application for Personal Injury Compensation to the VCF, he knew that such claim was false, fictitious and fraudulent in that NEWBURY was not in fact injured in the September 11th attacks, was not disabled as a result of such injuries, and in fact was not present at the World Trade Center in New York City during the attacks or at any time on September 11, 2001.
 15. At the time NEWBURY submitted, as supporting documentation to the application for Personal Injury Compensation to the VCF, the trucking company documents and medical documentation listed in Paragraph 13, he knew such documentation and the statements therein were false fictitious and fraudulent, in that NEWBURY had fabricated these documents in order to convince the VCF that he was injured in the September 11th attacks, was disabled as a result of such injuries, and in fact was present at the World Trade Center in New York City during the attacks of September 11, 2001.

16. After submitting these applications to the VCF, NEWBURY repeatedly contacted the VCF by telephone, internet “chat,” and by U.S. Mail, inquiring into the status of his claims and demanding that his claims be expedited.
17. VCF auditors reviewing NEWBURY’s applications noted that several of the physician letters contained misspelled words and unusual typefaces. Auditors also noted that all seven of the physicians and medical facilities were listed on one internet site, www.doctorline.com, and it appeared that NEWBURY had copied or created letterhead using text that was on this website, or on sites linked to this website. Auditors also called some of the physicians who had purportedly written letters, and learned that none of them had actually treated NEWBURY. As a result of these indicators, the Special Master referred NEWBURY’s applications to DOJ/OIG for further investigation.
18. OIG investigators contacted the trucking company to verify the authenticity of the trucking company correspondence and other documentation that NEWBURY had submitted to the VCF. Investigation revealed that NEWBURY had fabricated or otherwise falsified the documents he sent to the VCF. The trucking company provided investigators with NEWBURY’s actual work schedule, timesheets and other documentation for September 11, 2001. According to those documents, NEWBURY drove a truck and made deliveries in central and southern New Jersey from approximately 6:00 a.m. to approximately 10:00 p.m. on that date. None of the trucking company documents contained any indication that NEWBURY had driven to New York City or the World Trade Center on September 11, 2001. Furthermore, the trucking company’s records show that NEWBURY took no sick leave after September 11, 2001, nor did the trucking company have any record of a claim of work-related injury by NEWBURY.
19. OIG investigators also contacted each physician and/or medical facility that had purportedly provided letters or other documentation regarding NEWBURY’s injuries, in an effort to confirm whether any of them had in fact ever treated NEWBURY as a patient. In each case, the physician or medical facility stated, in substance and in part, that NEWBURY had never been a patient and had never been treated for any injury or medical condition, and that they had not prepared the letters or documents that NEWBURY submitted to the VCF.
20. On or about August 13, 2003, OIG investigators interviewed NEWBURY. In substance and in part, NEWBURY claimed he was making deliveries for the trucking company in the basement of the World Trade Center on the morning of September 11, 2001 when the terrorist attacks occurred. According to NEWBURY, the truck was destroyed and he sustained injuries but was able to escape from the area before the buildings collapsed.
21. When confronted regarding the false statements and documents in his applications, NEWBURY continued to insist, in substance and in part, that he was making deliveries for the trucking company at the World Trade Center on September 11, 2001 and received injuries. He maintained that he had been treated by the physicians and medical offices appearing in the supplemental documentation. He could not explain why the physicians

would deny treating him except to say they were not being cooperative. Similarly, NEWBURY had no explanation for why the trucking company would have no records of his being at the World Trade Center on September 11, 2001, except to say that he had left the trucking company on bad terms.