



On or about August 2011 through May 2012, Travelers Insurance Company (Travelers) provided Defendant temporary total disability benefits (TTD) in relation to a back injury sustained in June 2011. As a part of its routine correspondence with Defendant, and on at least five occasions, Travelers informed Defendant that it was illegal to receive both wages and TTD. The routine correspondence also informed Defendant that should a worker receive TTD without written consent of the insurer, authorities could prosecute the worker for theft.

Defendant reported to Travelers that he was not working. However, he had been working part time through Avitus, Inc., a temporary service. Moreover, Defendant failed to report income from Philips Construction, where he was also working. Finally, Defendant failed to report that he drove a bus for Hall Transit Charter Service.

On or about December 2011, Defendant began working at Vaughn Water and Sewer. He did not report this to Travelers. Moreover, when Travelers contacted Defendant in March 2012, Defendant specifically stated he was still looking for work. On or about April 4, 2012, Defendant informed Travelers he was working for the waste water treatment facility, but the job he was doing was an unpaid, training position. He ultimately informed Travelers that he would be a wage-earning employee on May 7, 2012. On that date, Travelers ceased TTD payments. Defendant ultimately submitted documents to the State which demonstrated he had collected wages from Vaughn Water & Sewer since December 2011. Ultimately, Defendant collected approximately \$27,896.86 in TTD during the time period he was disabled. Had Defendant reported his employment correctly, he would have received \$22,610.70 in total partial disability and total temporary benefits. Therefore, his oral statements denying alternative work, or his deceptive silence, ultimately resulted in him illegally collecting \$5,286.16.

Based upon the foregoing, the undersigned respectfully requests Leave to File an Affidavit, Motion, and Order for Leave to File Information Direct

Information charging the above-captioned Defendant with the listed charge.

DATED this 15<sup>th</sup> day of October, 2014

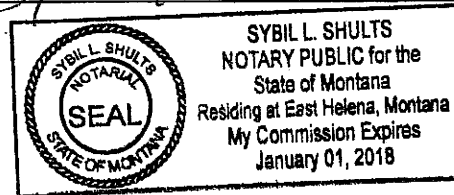
JOHN W. PARKER  
Cascade County Attorney

BY: 

Brett O'Neil  
Special Assistant Montana Attorney General  
Special Deputy Cascade County Attorney

SUBSCRIBED AND SWORN TO before me this 15<sup>th</sup> day of October, 2014, by Brett O'Neil.





**ORDER**

Upon examining the foregoing Motion and Affidavit for Leave to File Information Directly in District Court, and it appearing that there is probable cause to charge the above-named Defendant as stated in the Information,

IT IS HEREBY ORDERED that the State of Montana is granted leave to file the Information as requested by the State's motion.

Defendant is released at his own recognizance.

DATED this 21 day of Oct, 2014, at Great Falls, Montana.

**GREGORY G. PINSKI**  
District Court Judge

cc: County Attorney, Brett O'Neil  
Defense Counsel, Channing Hartelius