ST-2021-WR-00015

ARREST WARRANT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS OF ST. THOMAS AND ST. JOHN

In the NAME of the PEOPLE of the Virgin Islands of the United States: To the Marshal or any of their deputies or any Peace Officer.

GREETINGS

Information upon oath having been this day laid before me the crimes of Title 14 V.I.C. § 895 (a) Conversion of government property; 14 V.I.C. § 843 (1) (2) (3) Fraudulent claims upon the government; 14 V.I.C. § 791 (1) (2) (4) Forgery 14 V.I.C. § 1662 (1) (6) (7) Embezzlement or falsification of public accounts and accusing **EVERTON GARVEY** thereof.

YOU ARE THEREFORE HEREBY COMMANDED FORTHWITH to arrest the above named **EVERTON GARVEY**, for violation of 14 V.I.C. § 895 (a) Conversion of government property; 14 V.I.C. § 843 (1) (2) (3) Fraudulent claims upon the government; 14 V.I.C. § 791 (1) (2) (4) Forgery 14 V.I.C. § 1662 (1) (6) (7) Embezzlement or falsification of public accounts and bring him before me at the **SUPERIOR COURT OF THE VIRGIN ISLANDS** or in case of my absence of inability to act, before the nearest most accessible Magistrate.

Dated at: Charlotte Amalie this 29 day of September 2021.

$30,000
Bail

MAGISTRATE OF THE SUPERIOR COURT

RETURN

I hereby certify that I received this Warrant of Arrest on the 29th day of SEPTEMBER 2021 and thereafter on the 30th day of SEPTEMBER, 2021, executed the same on the said **EVERTON GARVEY** by arresting him and bringing him into court.

Dated: 9/30/2021

Arresting Officer

CHIEF OF INVESTIGATIONS
Title of Arresting Officer
OVIG

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS)
DIVISION OF ST. THOMAS-ST. JOHN)

ST-2021-WR-1

AFFIDAVIT

I, Nicholas Peru, being first duly sworn, depose and state that:

1. Affiant has been employed by the Office of the Virgin Islands Inspector General for approximately 20 years and is currently the Chief of Investigations. Prior to being employed with the Office of the Virgin Islands Inspector General, affiant was employed as a Special Agent with the Virgin Islands Department of Justice, Office of the Virgin Islands Attorney General. Affiant has conducted and been involved in several criminal investigations of varying types and has been a Peace Officer with Law Enforcement experience for over 20 years.

2. The information and facts contained in this Affidavit are based upon the Affiant's personal knowledge of this investigation, and upon information and observations provided by other agents, investigators and witnesses involved in this investigation.

3. This investigation is comprised of a task force consisting of members of the Medicaid Fraud Control Unit (hereinafter "MFCU"), the Department of Health and Human Services ("HHS") Office of the Inspector General ("OIG"), along with the Affiant.

4. MFCU was established within the Office of the Virgin Islands Attorney General and is responsible for investigating suspected cases of Medicaid fraud and Medicaid program administration fraud, in conjunction with the HHS OIG.

5. The Virgin Islands Department of Human Services (DHS) is responsible for administering the Virgin Islands Medicaid Program (MAP) which was established to provide financial assistance for medical expenses to individuals, families and children. In addition, the Program assists aged and special needs individuals whose incomes are insufficient to meet their medical expenses. One of the requirements for eligibility for MAP depends on the applicant's income.

6. On or about June 10, 2021, the Assistant Director of Medicaid Program in the St. Thomas office received information from a concerned citizen regarding an individual who worked for the DHS Medicaid Program "giving his friend Medicaid". Upon further questioning, the Assistant Director was able to identify the name of the Medicaid beneficiary.

7. DHS uses a computer program called the Virgin Islands Benefit and Eligibility Enrollment System (VIBES) which is utilized by employees of the DHS, Medicaid Program. All applicants are required to submit certain documents as part of the application process. Some of those documents required are proof of citizenship, resident requirement, Social Security information, income verification to

include copies of check stubs, household status, confirmation of residential address and bank statements. The VIBES Program is based on information entered by the Eligibility Specialist and is the only program used to determine whether an applicant is eligible for Medicaid benefits.

8. The Assistant Director accessed the VIBES Data System and was able to identify a Medicaid beneficiary who shall for the purpose of this affidavit be identified as JJ. The Assistant Director further determined that Everton Garvey (Garvey) was the Eligibility Specialist who processed the case involving JJ. Garvey has been employed by DHS from 12/15/2014 in the capacity of Eligibility Specialist I.

9. On or about June 11, 2021, the Assistant Director reviewed the case for JJ in the VIBES Program and was able to identify several discrepancies. The Assistant Director then made contact with Garvey at or about 9:30 a.m. and requested that he bring the case file regarding JJ to her office for discussion.

10. At or about 10:00 a.m., the Assistant Director again made contact with Garvey who stated that the file was in a box at his desk. At or about 3:00 p.m., Garvey still had not provided the Assistant Director with the requested file. Contact was then made with Garvey and he was informed that he could not leave work that afternoon without first producing the case file and meeting with the Assistant Director.

11. On June 11, 2021, at or about 4:55 p.m., Garvey brought the requested documents to the office of the Assistant Director. The documents included an application for Medical Assistance for JJ, along with various copies of identifications to include a color copy of a Social Security Card and US Virgin Islands driver's license in the name of JJ. In addition, a color copy of a Social Security Card and a passport photo of a minor child as well as a color copy of a US Virgin Islands driver's license in the name of (for the purposes of this affidavit) "EJ" along with four (4) payroll check stubs for EJ were also included.

12. As his supervisor, the Assistant Director stated that she was familiar with Garvey's handwriting and that the application appeared to have been written by Garvey. The application also reflected a signature in the name of JJ.

13. After reviewing the case file for JJ, the Assistant Director found that JJ was not eligible for any Medicaid benefits.

14. Moreover, paycheck stubs submitted as part of the application for JJ revealed that the average gross salary for EJ, the spouse of JJ, was $2,307.69 per pay period. EJ was listed as part of the household. Documentation from the VIBES Program shows that Garvey entered a fraudulent amount of $1,050 which was $1,257.69 less than the actual amount shown on the paycheck stubs for EJ.

15. According to the DHS policies and procedures regarding verification of income, an Eligibility Specialist must enter the gross amount in the applicant's VIBES profile. Instead, Garvey entered an amount which was not reflective of the gross salary as it appeared on EJ's check stubs. During an interview on May 17, 2021, Garvey acknowledged that he was aware that gross amounts are entered into the VIBES Program.

16. This fraudulent entry made by Garvey caused the VIBES Program to automatically determine that JJ/EJ was eligible for benefits wherein if the correct amount had been entered he/she would not have been eligible for Medicaid benefits.

17. The VIBES Program uses what is referred to as a "Proposed Income Threshold" to determine eligibility for Medicaid benefits. This "Proposed Income Threshold" lists family income and household size as part of the criteria used to establish eligibility. As part of the policies and procedures for processing a Medicaid application, the Eligibility Specialist must apply the gross income and not the net income. Investigation revealed that if Garvey had entered the correct bi-weekly Gross income amount the applicant would have been over the income threshold.

18. On September 14, 2021 and on September 21, 2021, Everton Garvey was interviewed and on both occasions, he was advised of his rights, which he waived, and agreed to answer questions relative to his actions in this matter.

19. During the September 14, 2021, interview, Garvey admitted to filling out the application in the name of JJ and further admitted to forging the name of JJ on the application without the knowledge or permission of JJ.

20. Although Garvey stated that he did not know how to enter income into the VIBES program when processing applications, during his interview, Garvey stated that he worked in the Medicaid Program for four to five years and also received training on the VIBES program. Moreover, investigation revealed that the income for EJ was entered fraudulently under Garvey's log-on in the VIBES application for JJ.

21. On August 26, 2021, JJ was interview at which time he stated that a family member, herein referred to as Witness I, offered to assist him with his Medicaid application process. JJ sent him/her the documents from his phone. JJ further stated that he does not know Garvey nor did he have any contact with anyone at the Medicaid Office. JJ further stated that he did not give Garvey permission to sign his name on the Medicaid application.

22. JJ provided the name of Witness I and contact was made with said Witness, who was subsequently interviewed on September 14, 2021 and on September 21, 2021. Witness I stated that he/she sent

documents from JJ to Garvey via text message to his phone, and that there was no application included with the documents sent to Garvey.

23. Investigation also revealed that on or about April 16, 2020, the Assistant Director was reviewing a "CIGNA Error Report Detail" at which time an error message was identified pertaining to a Medicaid case file for a beneficiary identified for the purpose of this affidavit as SC. The issue involved a social security number that was entered into the VIBES program during the application process for SC.

24. SC was interviewed at which time he/she stated that he/she did apply for Medicaid benefits; however, he/she does not have a social security number and did inform the Medicaid employee who met with him/her. SC stated that she does not have any knowledge about the social security number that was entered in his/her case profile by the Eligibility Specialist.

25. A review of SC's VIBES profile reflects that an entry was made by Garvey wherein a fraudulent social security number was entered as part of the application process. Based upon the foregoing, SC was determined to be eligible and issued a Medicaid benefit card with an effective date of 10/1/2019 to 9/30/2020. Investigation revealed that the fraudulent Social Security number was entered by Garvey under his log-on in the VIBES program. Each Eligibility Specialist who is authorized to work in the VIBES program has an individual username and password which identifies that they have worked on a particular case.

26. During Garvey's interview on September 14, 2021, he was questioned regarding the entry of the fraudulent social security number for SC. Garvey stated that he did not enter the fraudulent social security number. When questioned, Garvey could not explain how a number of other entries in SC case were made under his log-on at the same time as the entry made of the fraudulent social security number.

27. After speaking with SC, the Assistant Director determined that SC did not have a social security number and did not provide any such number during the Medicaid application process. The Assistant Director subsequently closed the case file for SC and as a result, a "Notice of Decision" dated 6/3/2021 reflects that SC was denied eligibility due to "Citizenship".

28. Documentation obtained shows that claims were submitted by various providers as a result of services provided to SC. The total claims paid on behalf of SC were Two Thousand Three Hundred Sixty Seven Dollars. ($2,367.00). These claims were paid as a result of fraudulent information submitted by Everton Garvey which resulted in SC obtaining Medicaid benefits to which he/she was not qualified to receive.

29. Documentation obtained shows that claims were submitted by various providers as a result of services provided to JJ. The total claims paid on behalf of JJ were Twenty Five Thousand ninety

Dollars and ninety nine. ($25,090.99). These claims were paid as a result of fraudulent information submitted by Everton Garvey which resulted in JJ obtaining Medicaid benefits to which he/she was not qualified to receive.

30. Documentation obtained shows that claims were submitted by various providers as a result of services provided to EJ. The total claims paid on behalf of EJ was One Thousand Five Hundred Six Dollars and Four. ($1,506.04). These claims were paid as a result of fraudulent information submitted by Everton Garvey which resulted in EJ obtaining Medicaid benefits to which he/she was not qualified to receive.

Based on the foregoing, Affiant believes that there is probable cause to issue a Warrant of Arrest charging **EVERTON GARVEY** with violations of the following criminal statutes:

14 V.I.C. § 895 (a) Conversion of government property

14 V.I.C. § 843 (1) (2) (3) Fraudulent claims upon the government

14 V.I.C. § 791 (1) (2) (4) Forgery

14 V.I.C. § 1662 (1) (6) (7) Embezzlement or falsification of public accounts

FURTHER AFFIANT SAYETH NOT

Nicholas Peru

Chief of Investigations

SUBSCRIBED and SWORN to before me this 29 day of September 2021

Magistrate

Superior Court of the Virgin Islands

CERTIFIED TO BE A TRUE COPY
This 29th day of Sept. 2021
TAMARA CHARLES
CLERK OF THE COURT
By _____ Court Clerk