

News Release



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Former President of Georgia Corporation Indicted For Embezzlement and Healthcare Fraud

ATLANTA — The former president of Newcare Health Corporation of Atlanta has been indicted by a federal grand jury in the Northern District of Georgia for embezzlement and healthcare fraud related to more than \$100,000 owed to the corporation's 401(k) and health plans. The case was based on an investigation conducted by the U. S. Department of Labor's Employee Benefits Security Administration (EBSA).

"Theft of employee benefit assets is unacceptable," said Ann L. Combs, Assistant Secretary of EBSA. "The department will work with other law enforcement agencies to recover money stolen from hard-working Americans and prosecute those who commit these crimes."

Darrell C. Tucker was indicted for embezzling the assets of an employee benefit plan governed by the Employee Retirement Income Security Act (ERISA). He allegedly carried out the criminal act by failing to forward \$16,282 in employee contributions to the Newcare 401(k) plan and approximately \$90,000 in employee contributions to the Newcare Group Health Plan.

Newcare Health Corporation provided senior residential care services in Alabama, Georgia, Florida, Kansas, Massachusetts, Tennessee, and Texas, according to the company's bankruptcy filing. Newcare filed for bankruptcy on June 22, 2001 in Worcester, MA and later ceased its operations. According to information filed with the Labor Department, the 401(k) plan covered 856 participants and had \$227,000 in assets, while the health plan covered 1,494 participants.

The Atlanta regional office of the Employee Benefits Security Administration jointly investigated the case along with the department's Office of Inspector General, Federal Bureau of Investigations, Internal Revenue Service, Department of Health and Human Services and the Postal Inspector's Office. The U.S. Attorney's Office for the Northern District of Georgia prosecuted the case.

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(U.S. v. Tucker)
Criminal No. 04-CR-177-ALL

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