

United States of America v. Farid Fata

Case No. 13-cr-20600 (E.D. Mich.)

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Basic Information

1. What is this case about?

Defendant Farid Fata (hereinafter, "the defendant"), a hematologist-oncologist, pleaded guilty to health care fraud, money laundering, and conspiracy to pay or receive kickbacks. As part of the defendant's scheme, he deliberately administered medically unnecessary injections and infusions to patients, including chemotherapy, iron, cancer treatment drugs, and other medications. He also administered unnecessary diagnostic tests involving the injection of radiological material into patients. U.S. District Judge Paul D. Borman imposed a sentence of 45 years in prison and ordered the defendant to forfeit assets.

This claim process is the **only** opportunity patients will have to provide documentation for certain losses. The allowable losses are costs associated with medical services prescribed or performed by the defendant from April 11, 2005 through August 6, 2013 and remedial medical, dental, and mental health services performed up to and including September 6, 2016 to compensate for remedial treatments needed in response to the defendant's inappropriate or unnecessary procedures. The claims process also allows family members of patients to seek reimbursement for a portion of patients' funeral costs.

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2. Where does the money come from?

The money generally comes from a fund made up of the net proceeds from liquidating the defendant's assets.

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3. Do I have a lawyer in this case? Do I need a lawyer in this case?

You do not have a lawyer in this case unless you hired a lawyer on your own. The Department of Justice represents the United States of America.

The process does not require a lawyer. However, the Office of the Claims Facilitator cannot give you legal advice about whether you should or should not retain a lawyer to assist you in this process.

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4. Are lawyers or administrators being paid from the victims' fund?

No. The lawyers at the Department of Justice and the Claims Facilitator and her staff are not being paid out of the victims' fund.

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5. Would I give up rights if I participate in this process, and could I still be part of a lawsuit against the defendant?

You do not have to give up a civil lawsuit or waive participation in any other kind of compensation process as a condition for being in this claims process. However, you will have an obligation to report in this process any amounts that you recover elsewhere that relate to losses claimed in this process.

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6. What does it mean to swear under penalty of perjury?

This means that you are swearing that you are telling the truth during this process. If any of your answers are knowingly untruthful, you can be prosecuted for the crime of perjury.

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Filing A Claim

7. Who can file a claim?

The Claim filing deadline was November 14, 2016. There were 3 possible types of Claimants.

a. Victims:

People who were patients of the defendant could file a claim if they had eligible out-of-pocket losses. (see [FAQ 8](#) below.)

b. Representatives:

Legal representatives of patients who are minors and/or who are incapacitated could file on the patient's behalf. They were required to submit documentation of their representative status, such as guardianship papers or a power of attorney.

c. Heirs:

Claims could be filed on behalf of the estates of deceased victims. Such Claimants will be required to provide documentation of their representation of the estate.

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8. What types of claims are eligible for payment?

The general rules for claim eligibility are based on the fact that this is a criminal restitution process. Restitution is the technical term that describes a process governed by federal law to pay victims for some of the losses they suffered from a crime. Restitution rules apply to cases like this—cases in which the government seizes a convicted criminal's assets and sets up a process for distributing those assets to victims of the crime who can provide documentation of certain kinds of economic losses.

It is fortunate that the Department of Justice has money to distribute and the Court has authorized the payment of restitution in this case. However, restitution has many detailed requirements and does not cover every type of loss.

Only certain kinds of out-of-pocket costs can be claimed in this process.

Losses that are eligible for payment in this process are:

1. Money paid for treatments prescribed by the defendant, treatments and services ordered by the defendant, and prescriptions prescribed by the defendant;
2. Money paid for remedial medical and dental treatments through September 6, 2016 to remedy the effects of the defendant's treatments and what the defendant ordered;
3. Money paid for mental health remedial treatments through September 6, 2016 to remedy mental health issues related to the defendant's treatments; and
4. Money paid by patients' family members for victims' funerals. (Please note that it is likely that the claims process will be able to pay for only a portion of the eligible funeral expenses.)

Victims who have no out-of-pocket costs in the categories listed above were advised not to submit a claim in this process.

This is a restitution process within a criminal case; many categories of loss that are commonly paid in civil cases cannot be paid in this process.

Losses that are not eligible for payment in this process are:

1. pain and suffering;
2. lost wages;
3. attorneys' fees; or
4. travel to obtain medical treatment.

We understand this will be very disappointing to many people. These are the rules Congress has set down that we must follow.

The United States Congress set the basic rules in the restitution statutes. The Court set further rules for this case in an order issued on April 11, 2016. If you would like to see the Order issued by the Court, please visit the United States Attorney's Office for the E.D. of Michigan *U.S. v. Farid Fata* webpage at www.justice.gov/usao-edmi/us-v-farid-fata-court-docket-13-cr-20600 (<https://www.justice.gov/usao-edmi/us-v-farid-fata-court-docket-13-cr-20600>).

If you have additional questions or concerns about this process, you can contact the Fata Claims Facilitator phone staff at 1-877-202-3282, or call the Victim Witness Coordinator for the U.S. Attorney's Office for the Eastern District of Michigan, Sandy Palazzolo, at 1-313-226-9633. If you have specific questions about the claims process, please call the phone staff at 1-877-202-3282. Please be advised that Ms. Palazzolo will not be able to provide assistance in the claims process.

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9. Can one file a claim for remedial treatment for past treatments? Current treatments?

Both were eligible to be claimed, however, the claim filing deadline has past. Any claims filed after **November 14, 2016** will be set aside, and the Court will be asked to determine how they will be handled.

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10. What is the deadline to file a claim?

The claim filing deadline was **November 14, 2016** and has now passed. Any claims filed after **November 14, 2016** will be set aside, and the Court will be asked to determine how they will be handled.

All timely claims submitted or postmarked on or before the claim filing deadline are in process, and eligible claimants will be notified if further documentation is required.

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11. Is there a cost to file?

There was no cost to file a claim. The claim filing deadline was November 14, 2016. Any claims filed after November 14, 2016 will be set aside, and the Court will be asked to determine how they will be handled.

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12. How do I prove what I paid and/or owed?

This claims process required that for each out-of-pocket expense, the claimant must have either:

1. Provided proof of the amount that the claimant *paid*; or
2. Provided proof of the amount that the claimant *owed*, and *sworn* under oath that the claimant paid that bill.

Click [here \(/fataclaims/Content/Documents/How to Prove What Victim Paid.pdf\)](#) to look at some possibilities for the eligible expenses.

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13. Is there an easier way to fill out the tables on the Claim Form?

To address the concern that claimants had too many entries to write into the 3 tables in the Claim Form (on pages 5, 8, and 11 of the Claim Form), we offered an *alternative, slightly streamlined way of completing the tables in the Claim Form*. Click [here \(/fataclaims/Content/Documents/Listing Multiple Expenses.pdf\)](#) to read the Listing Multiple Expenses document.

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14. Can someone help me file?

The claim filing deadline was **November 14, 2016**. There is no longer any assistance available for filing claims.

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15. What is the process for learning about errors in my claim form, and fixing those errors?

Claims that were filed on time are now being processed. In some of those claims, we will determine that there were errors in the claim form: sometimes important information was missing, or the claim form said two things that are contradictory. In those cases, we will send the claimant a letter explaining the errors or defects in the claim form. The claimant will have 45 days from the date of that letter to submit the missing or corrected information. These letters will be sent through the months of December 2016 and January 2017.

The phone agents will be available to help claimants understand exactly what we are referring to or asking for in the letters referenced above. Additionally, in-person assistance may be available in the process of responding to the letters. Volunteer availability is limited. Please call 1-877-202-3282 to talk to a phone agent about your letter and/or to schedule an in-person appointment with a Victim Advocate Specialist or a CPA. Click [here \(/fataclaims/Home/Assistance\)](#) for further information.

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Getting A Payment

16. How will claims be decided?

The Claims Facilitator, Randi Ilyse Roth, will make recommendations to the Court as to the amount of restitution that each timely-filed claim is entitled to receive according to the rules of the case. She and her staff will examine whether each claim is asking for categories of compensation that are eligible in this claim process, and whether each claim provides proper documentation. Then the Court will make a decision based, in part, on the Facilitator's recommendations.

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17. What happens if I do not file a Claim?

If you do not file any claim in this case you will not recover any money in this case.

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18. How much money will I get, and when will I be paid?

The amount you may get paid depends both on the details of your claim submission and on whether the total amount of eligible claims exceeds the amount of money in the restitution fund.

Once all of the claims have been filed and processed, we will have a better sense of the timing.

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Information About The Claims Package

19. Where can I find definitions of technical terms in the Claims Package?

A list of definitions of terms used in this claims process is included in the Claim Package. You can download a PDF copy of the Definitions of Terms used in this claims process [here \(/fataclaims/Content/Documents/Definitions of Terms.pdf\)](#).

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20. What is the significance of the dates listed in the Claims Package?

KEY DATES:	
April 11, 2005	This is the date when the defendant started his practice at Michigan Hematology Oncology ("MHO").
August 6, 2013	This is the date when the defendant was arrested.
September 6, 2016	This is the last date of remedial treatment that can be submitted for compensation in this claims process.
November 14, 2016	This is the deadline for filing a claim

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Information About Documentation

21. What if I do not have records at home about my dates of treatment or the costs of my treatment?

A chart containing information on how to contact Medicare and various private insurance companies for Explanation of Benefits or Medicare service notices can be found on the Medicare & Insurance Info page by clicking [here \(/fataclaims/Home/Benefits\)](#).

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22. Can the services of ophthalmologists and optometrists count as eligible remedial medical services?

Yes, if they otherwise meet the requirements for eligibility.

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23. What's included in compensable mental health treatment?

Mental health treatment can include treatments by a psychologist, psychiatrist, licensed therapist, or licensed social worker, and includes prescription medications that they prescribe.

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Tax Information

24. Will it affect my taxes if I get paid in this case?

The Claims Facilitator cannot give you legal or tax advice. You may wish to consult your tax advisor.

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25. Will it affect my public benefits—like Social Security or Supplemental Nutrition Assistance Program (SNAP)—if I get paid in this case?

The Claims Facilitator cannot give you legal advice.

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Getting More Information

26. How do I get help if I don't understand something or if I have a concern?

If you have any questions or concerns about this claims process, you can contact the Fata Claims Facilitator phone staff at 1-877-202-3282, or call the Victim Witness Coordinator for the U.S. Attorney's Office for the Eastern District of Michigan, Sandy Palazzolo, at 1-313-226-9633. If you have specific questions about the claims process, please call the phone staff at 1-877-202-3282. Please be advised that Ms. Palazzolo will not be able to provide assistance in the claims process.

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Changing My Claim Information

27. What if I file and then my address or phone number changes?

Write to us to report the change of address. Send a letter with the information to:

Fata Claims Facilitator
PO Box 2730
Portland, OR 97208-2730

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Important Dates

June 9, 2016

Claim Forms Available

June 9, 2016

Phone Operators Available

September 6, 2016

Last Date of Remedial Treatment That Is

Eligible for Claim

November 14, 2016

Postmark Deadline for Claim Forms

Helpful Links

[Contact Us \(/fataclaims/Home/ContactUs\)](#)

[Department of Justice \(https://www.justice.gov/usao-edmi/us-v-farid-fata-court-docket-13-cr-20600\)](https://www.justice.gov/usao-edmi/us-v-farid-fata-court-docket-13-cr-20600)

[Claim Form \(/fataclaims/Content/Documents/Claim Form.pdf\)](#)

[Privacy Policy \(/fataclaims/Home/Privacy\)](#)

Claims Facilitator

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