

MAINE STATE LEGISLATURE

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November 2, 1939

To Clifford A. Somerville, Chairman, Maine Unemployment Compensation Com^t
Re: Fraudulent Claims

On October 30th, 1939, you wrote me outlining the procedure which has been adopted by your Department in handling various fraudulent claim actions which have arisen in the course of the payment of benefits by your Commission. With this procedure, as further explained and discussed in the conversation which has held in my office yesterday, I am in complete agreement.

I am definitely of the opinion that the handling of such claims, both from the standpoint of the collection of any moneys which have been wrongfully received by any claimant, and from the standpoint of criminal prosecution for any violation of the criminal statutes of the State, should be administered by an attorney and that the Commission should follow the advice of your counsel in these matters.

Prior to the taking of any civil or criminal action on any such claim after the evidence has been collected by your investigators, I feel that the person who has received the money or committed the alleged fraudulent acts, should be interviewed and given an opportunity to state his side of the case. If then, after all this investigation, Mr. Fessenden decides that the acts complained of were the result of ignorance, accident, stupidity or poor advice, and the person is willing to repay any money wrongfully received by him, I do not believe that criminal prosecution should be undertaken. In all other cases it would be my feeling that having taken all the steps outlined above, Mr. Fessenden should turn the file and all the facts over to the county attorney in the particular county where the alleged offense occurred, and leave the matter of criminal prosecution with that official, and that thereafter, while the case is pending, no payments of money, in whole or part restitution should be accepted by Mr. Fessenden or the Commission, unless with the full consent and approval of the county attorney, and that, in accepting it, neither Mr. Fessenden nor anyone else connected with your Commission should make any promise or suggest or urge any method of disposing of the criminal complaint.

I further feel that your investigtors must be very careful in handling their inquiries' that they do not hold out any promises of immunity from criminal prosecution, or, on the other hand, make any threats of criminal prosecution in an effort to secure restitution. Each individual case will be different and all the cases should be handled with the intent of first recovering for the State any moneys taken from it or belonging to it. I agree with you that wholesale arrests or prosecutions should be avoided

I have full confidence in Mr. Fessenden's ability and his understanding of the proper procedure to be followed in these cases. I want him and you to feel free at any time to confer with me in any cases in which I can be of any help, and if I have not made myself entirely clear, I shall be pleased to supplement this letter. . .

Franz U. Burkett
Attorney General

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