

What is the Penalty for Making a False Workers' Comp Claim in Texas? <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.35.htm>

If you make a false workers' compensation claim in Texas, you could have the fraud referred to law enforcement for investigation. Texas Penal Code section 35.02 addresses insurance fraud. Under the law, you could be charged with:

Class C misdemeanor	\$100 or less in benefits	Fine up to \$500	
Class B misdemeanor	\$100 and up to \$750 in benefits	Fine up to \$2,000	Up to 180 days in jail
Class A misdemeanor	\$750 but not more than \$2,500	Fine up to \$4,000	Up to a year in jail
A state jail felony	\$2,500 or more but less than \$30,000	Fine up to \$10,000	Between 180 days and 2 years in jail
A third degree felony	\$30,000 or more but less than \$150,000	Fine up to \$10,000	2 years up to 10 years in jail
A second degree felony	\$150,000 or more up to \$300,000	Fine up to \$10,000	2 years up to 20 years in jail
A first degree felony	More than \$300,000	Fine up to \$10,000	5 years up to 99 years in jail

The potential penalty for making a false workers' compensation claim in Texas is clearly very serious. Insurers use a number of different tactics to try to identify when fraud has occurred including looking for red flags such as:

Significantly delayed reports of injury.

- A past history of making many workers' compensation claims.
- Changing doctors frequently.
- Injuries occurring when there were no witnesses.
- Injuries occurring early on a Monday morning or late on a Friday afternoon.
- Injuries occurring when an employee is anticipating termination.
- Injuries occurring shortly before a planned strike.
- Injuries occurring shortly before a holiday.
- Injuries that occur outside of a location where an employee would normally work.
- Injuries that are not consistent with an employee's normal job duties.
- Injured workers observed engaging in activities that are inconsistent with the injury that has been reported.
- Conflicting diagnoses from different medical care providers.
- Evidence that an employee is working elsewhere while collecting workers' compensation benefits.
- It is very important to make accurate reports of your work injury. If you lie about or exaggerate your impairment or illness, you could find yourself faced with a penalty for making a false workers' compensation claim in Texas.