

OFFICE OF THE

DISTRICT ATTORNEY

ORANGE COUNTY, CALIFORNIA

TODD SPITZER

**DO’S and DON’T’S OF FD-1 SUBMISSIONS (Applicant Cases)**

Provide a factual summary --

1. The summary should be clear and concise
2. Clearly set forth how Orange County has jurisdiction. I.E., the deposition was taken in Orange County and the deponent committed perjury; the medical appointment occurred in Orange County and the claimant made a material misrepresentation to the doctor; it’s a false claim and the claim was filed in Orange County or the “injury” was staged at the work-place which is located in Orange County
3. Describe the claimant: Age, job title, basic duties, how long on the job.
4. What is the claimed injury and how did it occur?
5. What are the facts that support the referral? Specifically, what is the fraud you are alleging the claimant committed?
6. False claim (the worker did not suffer any injury or the injury did not occur in the course and scope of employment;
7. Material misrepresentation about:
8. Prior injuries to the same body parts
9. Subsequent injuries to the same body parts
10. True abilities or limitations affecting the benefits that the worker is entitled to receive
11. Denies concurrent work or subsequent employment
12. What evidence do you have that would tend to prove that the claimant has made a material misrepresentation?
    1. Video surveillance and reports that is inconsistent with statements made;
    2. Eyewitnesses;
    3. Medical records;
    4. Payroll records from other employment
13. If the case the referral is not being submitted for the sole purpose of complying with your mandated reporting requirements, then provide a Documented Case Referral (DCR) with the FD-1.[[1]](#endnote-1)

**DON’T submit a summary that is based on speculation, extraneous or inflammatory statements or information**

1. A Documented Case Referral (DCR) is the relevant documents or evidence that contains the material misrepresentation (such as statements made to doctors, claim’s adjuster, in depositions, etc.) and the documents or evidence that tends to show or prove that the claimant made a material misrepresentation. It is NOT the submission of the entire claim file. [↑](#endnote-ref-1)