

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

ANASTASIA COLEMAN
SPECIAL COMMISSIONER

Telephone: (212) 510-1400
Fax: (212) 510-1550
WWW.NYCSCI.ORG

VIA ELECTRONIC MAIL

March 6, 2023

Hon. David C. Banks
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Marina Costanzo Golfo
SCI Case #: 2022-9271

Dear Chancellor Banks:

An investigation conducted by this office has substantiated that Marina Costanzo Golfo (“Golfo”), a New York City Department of Education (“DOE”) District 75 teacher, improperly requested and was granted sick leave while incarcerated at Camp Alderson Federal Prison in West Virginia.¹

I. Investigation & Findings:

The investigation began when the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) received a complaint from [REDACTED], who alleged that Golfo engaged in employee misconduct. In her complaint, [REDACTED] reported that the Federal Bureau of Investigation investigated Golfo for healthcare fraud in 2018, and she was tried, found guilty, and sentenced to three months in prison in May 2022.² According to [REDACTED] court records indicate that

¹ Golfo was reassigned, effective October 11, 2018, and she was placed at the Committee on Special Education pending the resolution of her court case. On January 31, 2023, DOE terminated Golfo. There is no problem code assigned to her personnel file.

² Golfo was one of eight Early Intervention Program (“EIP”) therapists who submitted fraudulent session notes and invoices for non-existent EIP sessions. She received thousands of dollars in reimbursements from Medicaid and the New York City Department of Health and Mental Hygiene from this fraud scheme.

Golfo surrendered to federal custody on September 1, 2022, and that she was released on November 29, 2022.³ During this time, Golfo submitted two different requests for restoration of health leave in the DOE's Self-Service Online Application System ("SOLAS"), using her annual sick time to explain her absences while she was incarcerated. After her release from custody and return to work, Golfo provided documentation to confirm that her criminal case was resolved; the documents that Golfo submitted included information referencing her incarceration.

Upon receipt of the case, SCI investigators confirmed through the Bureau of Prisons online records that Golfo was registered as inmate #91168-053, and that she was released on November 29, 2022. Investigators also conducted a review of court documents from Golfo's federal case. In a judgement filed on May 9, 2022, the Court ordered Golfo to surrender for service of sentence on July 6, 2022. However, Golfo filed a successful motion, postponing her original three month sentence until September 1, 2022. In a subsequent motion, Golfo petitioned the Court for compassionate release; the Court denied this motion on October 6, 2022.

██████████ provided investigators with copies of Golfo's leave requests and doctor's notes that were submitted to SOLAS. The first doctor's note, dated August 28, 2022, stated that Golfo ██████████ ██████████, and that she should work remotely from home. This note was included as documentation in Golfo's initial request for restoration of health leave submitted on September 30, 2022. A second doctor's note, dated November 1, 2022, stated that complications from Golfo's illness continued and that she should remain at home until December 1, 2022. This note was included in Golfo's SOLAS request dated October 14th, to extend her leave through December 1st.

Investigators interviewed Golfo who acknowledged that from September 1, 2022 to November 29, 2022, she was an inmate at Camp Alderson Federal Prison. She explained to investigators that she was ill ██████████ while incarcerated. Golfo believed that she could apply for sick leave because she would not have been able to report to work, regardless of her incarceration status. She maintained that she felt her location should not matter, and that she did not know that she had violated DOE sick leave policy.

Investigators conducted a database search and determined that for the three months (six pay periods) that Golfo was incarcerated, she earned \$24,367.26 in DOE salary.

II. Conclusion & Recommendation:

Upon review of the above findings, SCI has substantiated that DOE Teacher Marina Costanzo Golfo improperly applied for and received restoration of health leave during a period of time while she was incarcerated in a federal penitentiary.⁴ While Golfo admitted to wrongdoing, she claimed it was an

³ On February 15, 2023, an investigator contacted the DOE's Division of Human Resources and confirmed that Golfo did not notify their agency or her assigned school of her sentencing. Consequently, when Golfo submitted her leave requests, the Division of Human Resources was unaware that Golfo was, at the time, incarcerated.

⁴ The DOE's Chancellor's Regulation C-603, which outlines the responsibilities of absent employees, states that "no such employee may relocate either permanently or temporarily to any place remote from the employee's home of record without the express, written permission of the Chancellor or School Medical Director." [C-603 8-1-2002 Final remediated WCAG2.0 \(nyc.gov\)](#).

unintentional violation of DOE policy. However, when Golfo submitted her leave request in SOLAS, she affirmed that she read Chancellor's Regulation C-603. Furthermore, after her reassignment in 2018, Golfo signed a document acknowledging her receipt of her new assignment and DOE rules for reassigned staff – which clearly stated that any absence taken to meet with an attorney or to appear in court was considered a personal business day that would be deducted from the employee's cumulative absence reserve maximum. If Golfo was aware that she could not use sick leave for matters related to her criminal case, then we find it dubious that she would believe DOE policy would allow her to use sick leave while she was incarcerated. Lastly, Golfo submitted a request to extend her sick leave only after the Court denied her motion for compassionate release. Her actions were clearly more deliberate than she acknowledged to investigators. As Golfo has already been terminated from her DOE position, it is the recommendation of this office that a permanent problem code be assigned to her personnel file as a bar to any future employment with the DOE or with any of its vendors. In addition, the DOE should seek reimbursement of the \$24,367.26 that Golfo improperly earned during her period of incarceration.

In addition, SCI offers the following Policy and Procedure Recommendation ("PPR"):

1. The DOE Self-Service Online Application System affirmation page should include language stipulating that if an employee requests sick leave, barring their medical status, he or she would be available to work.

Please respond in writing within 30 days of receipt of this letter as to any action taken regarding Marina Costanzo Golfo or the recommendations made herein. We are sending a copy of this letter to the DOE Office of Legal Services. We are also sending a copy of this letter to the New York State Department of Education, for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact me at (212) 510-1418 or dschlachet@nycsci.org.

Sincerely,

ANASTASIA COLEMAN
Special Commissioner of Investigation
for the New York City School District

By: /s/ Daniel I. Schlachet
Daniel I. Schlachet
First Deputy Commissioner

AC:DS:cl

cc: Elizabeth Vladeck, Esq.
Karen Antoine, Esq.
Katherine Rodi, Esq.
Monica Davis-Thorne, Director