OFFICE OF INSPECTOR GENERAL

2018-0008-INVI-P – Suspected Violations of Title 18 United States Code (U.S.C.) §1001 "Statements or entries generally," 18 U.S.C § 1343 "Fraud by wire, radio or television," and 18 U.S.C. §1920 "False statement or fraud to obtain Federal employees' compensation": Not Substantiated

The Architect of the Capitol's (AOC) Human Capital Management Division (HCMD) initiated a proactive effort in 2016 to identify former AOC employees alleged to be fraudulently receiving Federal Employment Compensation Act (FECA) program benefits. During the effort, the HCMD evaluated all claimants on prolonged disability status. An investigative support services contractor was hired to assist the AOC's HCMD, Employee Benefits and Services Branch, Workers' Compensation Program Unit, identify opportunities to reduce its $4.2 million workers' compensation chargeback costs. The contractor provided surveillance services to identify individuals who may be abusing workers' compensation benefits.

The HCMD submitted 45 cases to the contractor for surveillance. Case selection was based upon a review of records retrieved from the Office of Workers' Compensation Program (OWCP).[1] Selection criteria included records without recent/updated medical documentation, or claimants with non-permanent injuries who continued to receive FECA benefits. The vendor completed surveillance efforts in March 2017 and submitted findings to the agency, which included surveillance footage that showed claimants performing actions outside of their medical restrictions as stated in their OWCP files. Out of 45 cases submitted, only five were determined to be potential fraud cases.

On June 21, 2017, HCMD met with AOC Office of Inspector General (OIG) to refer the cases (18-0001-I, 2018-0008-I, 2018-0015-I, 2018-0019-I and 2018-0018-I). Their goal was to use the outcome of the OIG investigations as a basis to discontinue FECA benefits.

During the meeting, the HCMD presented a file concerning a former AOC Wage Grade Employee/Plumber in the House Office Buildings jurisdiction who strained their back while operating a core bore machine (that drills concrete). They have been receiving FECA benefits since March 12, 2001, when the injury occurred. They have received a total of $277,654.90 (approximately $3,000 per month) for a sprain of their back-lumbar region; Aggravation of Degenerative Disease.

[1] The OWCP administers four major disability compensation programs, including the Federal Employees' Compensation Program, that provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits to certain workers or their dependents who experience work-related injury or occupational disease. https://www.dol.gov/agencies/owcp/owcpabout

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Investigative Summary

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AOC OIG and U.S. Department of Labor (DOL) OIG Investigation

The AOC OIG initiated an investigation on June 28, 2017, and coordinated a joint investigation with the Department of Labor (DOL) OIG as the primary investigative agency, which has an office located in Sunrise, Florida. On January 23, 2020, the former employee allowed the DOL OIG to look at their business statements and tax returns that matched the yearly CA-1032's (which serves as a report of earnings, third party settlements, dual benefits and change in dependents). The DOL OIG reviewed the information provided by the AOC OIG and then briefed Assistant United States Attorney (AUSA) for the Middle District of Florida on the finding of this investigation to determine prosecution status.

On February 14, 2020, the DOL OIG advised the AOC OIG that they felt the case had no prosecutorial merit since the OWCP documentation did not support a FECA fraud allegation. Further, the former employee would have to earn double the amount they currently receive from the OWCP (through AOC) before deductions from their benefit would occur. The employee had not reached that level of earnings so there was no loss to the government. The DOL OIG also found that the former employee submitted inaccurate CA-1032's; however, they explained that the employee was confused about how to report earnings. The DOL OIG confirmed the forms were confusing.

On June 29, 2020, the DOL OIG advised the AOC OIG that the then AUSA, Middle District of Florida, declined to pursue prosecution for this case.

On August 27, 2020, the DOL OIG advised the AOC OIG that the new AUSA was revisiting their options regarding the outcome of this investigation. Finally, on November 24, 2020, the DOL OIG advised the AOC OIG that the current AUSA declined this case based on the prosecutorial merit of provided OWCP information.

Final Management Action: The DOL OIG notified the AOC OIG that their investigation was closed. This investigation is closed.