

## POST FOR OVERSIGHT.GOV

### **2019-0008-INVI-P – Suspected Family Medical Leave Act (FMLA) Fraud by Former Architect of the Capitol (AOC) Employee: Not Substantiated**

The AOC Office of Inspector General received a complaint from an AOC senior manager, who suspected an employee of violating AOC policy. The senior manager reported that their subordinate was out of work for five months on Leave Without Pay (LWOP) while also claiming a FMLA benefit. The AOC jurisdiction leadership observed that in November 2018, a local newspaper contained a half-page article and two photographs depicting the employee. The article reported that the employee and their spouse were the proprietors of a local micro-brewery opening in 2019.

Although business records were not available, open source records confirmed that the employee and their spouse owned the brewery and publicized its opening. The investigation determined that the employee did not file an outside employment or self-employment disclosure with the AOC as required by policy. The investigation clarified that the employee was citing family medical needs as the justification for being out of work (LWOP) but they were not actually receiving any type of separate FMLA benefit.

**Final Management Action:** The investigation confirmed that the employee was out of work for several months in LWOP status and was not receiving any type of FMLA benefits. As such, the employee did not financially benefit from their time on FMLA. The AOC lost no funds or resources other than documenting the absence and the manpower used to back-fill the position. In February 2019, the employee submitted their resignation and terminated employment with the AOC. Due to loss of administrative jurisdiction, this investigation was closed with no further action.