

## **POST FOR OVERSIGHT.GOV**

### **2018-0018-INVI-P – Suspected Federal Employee Compensation Act (FECA) Fraud by Former Architect of the Capitol (AOC) Employee: Not Substantiated**

The AOC, Human Capital Management Division (HCMD) initiated a proactive effort in 2016 to evaluate former AOC employees on prolonged disability status and receiving FECA Program benefits. The HCMD forwarded those cases of interest to a company with which it had contracted to conduct surveillance. During the effort, the HCMD identified a former AOC custodial employee as potentially receiving benefits on a fraudulent basis. The claimant suffered a back sprain after lifting a trash can at work, weighing less than 10 pounds. The contracted surveillance showed the claimant performing activities beyond their initial medical restrictions and without utilizing support devices. The HCMD referred the case to the AOC's Office of Inspector General for consideration of FECA Program fraud. The claimant received Office of Workers' Compensation Programs benefits from September 2006, until July 2018, for a work injury sustained in February 2006. Neither the AOC nor the Department of Labor (DOL) enforced the requirement to submit periodic medical necessity documentation or to actively participate in vocational rehabilitation for approximately 10 years.

According to the HCMD, each claim is annually reviewed for evidence of ongoing medical disability and the claimant's latest supporting medical evidence is uploaded to the DOL file. There were no medical treatment records submitted by the claimant after March 2007, although the claimant's file was certified by a DOL claim examiner on an annual basis from 2008 until challenged by the HCMD in 2018. The file was certified without the proper documented medical evidence. In the absence of medical records, it is impossible to determine when the claimant's accepted conditions were resolved. The HCMD estimated that the AOC could have saved \$144,552.59 if proper case management was completed. At the urging of the HCMD, the DOL required the claimant to submit to a medical second opinion. Subsequently, the DOL issued a termination letter, reporting that the claimant had non-work related restrictions and their accepted conditions had resolved. The loss of wage compensation was terminated in July 2018.

#### **Final Management Action:**

This investigation did not substantiate the allegation of FECA fraud. The loss of AOC funds was attributed to inefficiencies in the DOL review process and not due to claimant fraud. Loss to the AOC is a result of poor DOL case management and indicates necessity for process improvements and coordination between the AOC's HCMD and the DOL Claims Examiners.