

## POST FOR OVERSIGHT.GOV

### **2019-0011-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) reported a workplace injury suspected to be fraudulent to the AOC's Office of Inspector General (OIG). An AOC Equipment Mechanic, alleged that they fell from a 16 foot ladder while working on an overhead water line. The employee also alleged that they hit their head on a low hanging pipe on the way to notify their supervisor of the fall. A witness to the incident produced a statement contradicting the employee's claim. Based on the medical documentation provided with their claim, as well as the inconsistencies in the description of the incident, the AOC HCMD challenged the claim with the Department of Labor (DOL) and referred the claim to the OIG for investigation.

The employee's work leader was present from the moment they entered the work space (with the ladder) until the injury was reported to their supervisor. In a statement, the witness stated that the employee appeared to pull something in their torso but did not fall nor hit their head. The Office of Workers' Compensation Programs (OWCP) application, completed by the employee's spouse, referenced a chronic non-traumatic subdural hematoma and a prior brain Magnetic Resonance Imaging test in October 2018, suggestive of a pre-existing condition unrelated to the alleged workplace injury. The OIG interviewed a longtime friend and coworker of the employee, who reported that the employee sustained a traumatic head injury several years prior, which caused mental deficit and loss of motor function. The friend explained that the head injury was due to a fall in the employee's kitchen at home and not work related. The employee was contacted for an in-person interview. According to the employee's spouse, they were recovering with family out of state; they both declined to appear at the OIG. The employee's spouse disclosed that the employee suffered significant memory loss, brain damage, and vertigo following a fall in their home in 2014. The employee was confused following the March 2019 incident and was unable to accurately convey what happened. The spouse reported that the OWCP paperwork was incorrect and their spouse was not injured in the manner originally reported.

**Final Management Action:** The OIG briefed the preliminary findings to the U.S. Attorney's Office (USAO) for prosecutorial consideration. The USAO declined prosecution and suggested that an interview of the employee be under the protections of a Kalkines Warning, which would require their participation in an administrative interview in lieu of criminal prosecution. Concurrent with the criminal declination, the employee submitted retirement paperwork to the AOC and withdrew the DOL OWCP claim. The investigation was closed and not substantiated for FECA fraud. There was no loss or recovery of funds to the AOC.