

Association of Inspectors General

Certified Inspector General Investigator – Report Writing for Investigators

Exercise #1 – Analyzing a Report of Investigation

Corrected Copy

### **Predication**

On November 30, 2012, an anonymous caller (AC1) provided information to the Metro Inspector General Task Force (MIGTF) hotline. The caller stated Amanda Bacon (“Bacon”), a city employee, was out of work on State Workers Compensation (SWC), but was working as a landscaper for Anytown Gardening Service.

### **Background**

#### **Employee**

Amanda Bacon, employee ID (EID) number 347625, has been employed by the City of Anytown 1 (“Anytown”) since October 13, 2007, where she has worked as a groundskeeper at Anytown City Park.

#### **Program**

The Any State Legislature enacted the SWC on January 1, 1983. According to program guidance issued on February 1, 1983 under PGI-83-WC-001-83, the purpose of the program was to “provide state workers injured on duty salary benefits without the need for using accumulated leave” (Exhibit 1). The most recent revision, PGI-83-WC-001-2012, Section 2.7 states “Employees qualify for full benefit if a licensed medical practitioner determines the employee cannot perform the duties of their employment.” (Exhibit 2) PGI-83-WC-001-2012, Section 4.5 states “Employees may not claim benefit if, during the period of their benefit, they are employed doing any paid or volunteer work that is substantially similar to their city employment. They may do paid or volunteer work that is less strenuous than their city employment, but they must declare such employment annually on ASF-WC-1201, Declaration of Non-Employment. Employees must declare any paid or volunteer work and their benefit may be reduced by an amount to be determined by schedule.”

Section 2.2 of Form ASF-WC-1201 contains an affidavit stating “I declare I have engaged in no employment, paid or unpaid, during the period \_\_\_\_\_ through \_\_\_\_\_.” The affidavit requires employee signature (Exhibit 3).

#### **Investigative Details**

On December 2, 2012, MIGTF Investigators conducted a wage check through the Any State Department of Labor. The check showed no declared income for Bacon (Exhibit 4).

On the same date, Investigators reviewed Bacon's SWC file. Documents show Bacon filed a SWC claim on September 3, 2012, claiming she hurt her back while on duty by picking up a heavy boulder (Exhibit 5). Also in the file was a doctor's report dated September 3, 2012 stating Bacon should not lift more than 10 pounds, should not drive, should not stand for more than one hour, and should not bend or kneel (Exhibit 6). A second doctor's report dated December 1, 2012 reiterated those restrictions (Exhibit 7). Included in the file was an ASF-WC-1201 dated November 28, 2012 stating Bacon did not engage in employment for the period September 3, 2012 through November 28, 2012. Bacon signed the form (Exhibit 8).

On the same date, MIGTF Investigators spoke with Bacon's direct supervisor, Irma Boss, who said Bacon's normal duties included mowing grass, planting shrubs and flowers, trimming hedges, and mulching planting beds. Her duty requirements included an ability to lift 40 pounds, drive a vehicle, stand for more than one hour, bend, and kneel.

On December 3, 2012, MIGTF Investigators conducted surveillance on Bacon. At approximately 7:05 a.m., Bacon entered a white Mazda 3 with A.S. license tag IM-SCMIN and drove from her home to Anytown Garden Service, located at 54321 Fugazy Lane, Anytown, AS 66666. Investigators observed Bacon get into a red Ford F-150 pickup truck, A.S. license tag MI-GRDN, emblazoned with the Anytown Garden Service logo. Bacon drove to a house located at 1138 Thax Lane, where she exited the truck and opened the back lift gate. Bacon lifted out 20 bags of small red rocks, garden tools, a generator, 10 plants, two trees, and another unknown machine. Investigators recorded the activity (Exhibit 9).

From approximately 7:05 a.m. to approximately 3:40 p.m., Bacon did landscaping related work which included digging out landscape beds, digging holes, planting plants, planting trees, and shoveling red rocks. Investigators recorded the activity (Exhibit 10).

At approximately 3:40 p.m., Investigators observed Bacon put the unknown machine and the generator into the red pickup truck and throw away the empty bags that previously contained the red rocks. Bacon drove back to Anytown Garden Service where she returned the truck, went into an office, then got into the white Mazda 3 and drove away.

At approximately 3:50 p.m., Investigators retrieved the empty bags of rocks from the garbage at the curb. The bags showed a full weight of 50 pounds each (Exhibit 11).

On the same date, Investigators interviewed Mame Naturo, owner of Anytown Garden Service. Naturo told Investigators Bacon started working for her on September 5, 2012, but had applied for the job on August 15, 2012. Naturo gave Investigators a copy of the employment application (Exhibit 12). Naturo said she called Bacon on September 1, 2012 to offer Bacon the job. Bacon said she could start on September 5, 2012. Bacon has worked Monday through Friday every week since starting the job. Naturo gave Investigators copies of Bacon's work records (Exhibit 13). Naturo told Investigators most of Bacon's duties would have included lifting heavy plants, equipment, mulch and rocks; digging; and shoveling mulch and rocks.

While investigators were there, Bacon returned to the office. When she saw the Investigators there, she said "OK, the jig is up. I know I shouldn't have been working while I was on comp. I needed some extra dough. So sue me. "

The investigation is being presented for criminal and administrative action.