

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

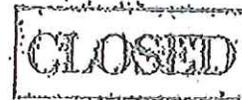
INVESTIGATIVE CLOSING REPORT

TITLE: Criminal Allegation/Other - Fraud

CASE NUMBER: 07-028

DATE OF REPORT: January 6, 2009

REPORT PREPARED BY: [REDACTED] *dy*



BACKGROUND:

The Office of Inspector General ("OIG"), Office of Investigations ("OI") received information alleging that [REDACTED] [REDACTED], may have submitted fraudulent medical documentation to Amtrak in support of her November 12, 2006 on-the-job injury.

OI's investigation revealed that [REDACTED] submitted a forged medical note dated November 14, 2006 allegedly prepared by Dr. [REDACTED] of [REDACTED] Family Care. Additional information obtained during the course of OI's investigation revealed that [REDACTED] had submitted to Amtrak and the Railroad Retirement Board ("RRB") fraudulent medical documentation in the form of Supplemental Doctor's Statements (3) and Statement of Sickness (1) from December 20, 2005 - May 19, 2006. Medical documentation pertaining to this allegation was obtained from [REDACTED] [REDACTED] RRB/OIG.

[As information, [REDACTED] had been employed by Amtrak since April 21, 1997. Based on documentation obtained, [REDACTED] worked continuously until July 21 2000. Thereafter, [REDACTED] was out on numerous leaves of absence.]

SUMMARY OF INVESTIGATION:

1. OI Agents met with [REDACTED], [REDACTED], regarding the allegation. [REDACTED] stated that on November 12, 2006, [REDACTED] allegedly injured herself while on the job. Pursuant to procedure, the injured employee is required to report the injury to his/her direct supervisor. In [REDACTED]'s case, her direct supervisor [aboard the train where the injury allegedly occurred] was [REDACTED]. In turn, [REDACTED] is required to fill out an NRPC 260 On-the-Job Injury Report and to report the injury to management. According to the information that [REDACTED] obtained, it appeared that [REDACTED] filled out the appropriate forms, but neglected to turn the NRPC 260 in after the completion of his [REDACTED] train run. [REDACTED] then went out on his rest days, and several more days passed. In the interim, management learned that [REDACTED] was out on an on-the-job injury after [REDACTED] failed to report for duty. Management made inquiries and discovered that an injury had occurred. Upon [REDACTED]'s return to work, he submitted the NRPC 260 documenting the November 12, 2006 injury.

further stated that pursuant to procedure, management contacted Amtrak's medical management company, to advise MCMC about the injury and provide the NRPC 260.

On November 17, 2006, came in and met with and/or filled out certain Amtrak documents pertaining to the injury. At the time, provided with a medical note dated November 14, 2006 from Dr. regarding his treatment of her injury.

could not recall whether she requested the medical documentation from or whether forwarded it prior, but protocol dictates that management forward all medical documentation to the Claims Department.

Upon receipt of the November 14, 2006 medical note, forwarded it to In turn, contacted the medical provider [Dr.] to provide information/procedures for submitting claims under FEOLA. At that time, requested's medical notes and work restrictions for.

On January 5, 2007, received a faxed copy of the November 14, 2006 medical note that she had sent to the doctor. On the bottom of the note, had written that the signature on the "Staff Physician" line on the medical note was not his signature. Dr. further wrote, "I have never personally seen this person. ...was seen by another physician in our practice only once and that was on January 14, 2002."

When received Dr.'s faxed note, she notified In turn, notified assigned to Amtrak's Medical Department, because was out on medical leave of absence on an illness unrelated to her on-the-job injury. According to, never returned to work following the November 12, 2006 on-the-job injury. also indicated that had been unresponsive to attempts by Claims personnel, management, and MCMC to have an independent medical examination. advised OI that also failed to show up for a February 7, 2007 scheduled medical examination.

2. OI Agents telephonically contacted regarding the allegation.

advised Agents that in January 2005, was the assigned Amtrak. For a two-week period, updated on the various cases she was handling for Amtrak; one of which was a case regarding's on-the-job injury. Subsequently, was reassigned to another account and assumed total responsibility. advised OI that although she was not involved in's case from the onset, she was familiar with the circumstances surrounding's situation. Based on's review of's initial case management, MCMC took the following steps:

- o 1/3/07 – MCMC forwarded a fax to Dr. [REDACTED] advising him that MCMC had an open claim, provided Dr. [REDACTED] with information about FEOLA and requesting medical documentation regarding [REDACTED]'s restrictions. According to [REDACTED], this is standard operating procedure for MCMC.

Notations which [REDACTED] made in the file indicate that MCMC was advised by Dr. [REDACTED]'s office staff that their computers were down and thus, they were unable to access any information regarding [REDACTED]

- o 1/4/07 -- Dr. [REDACTED]'s office advised MCMC that [REDACTED] was last seen in their office in 2002.
- o 1/5/07 - MCMC received (probably from Amtrak) copy of 11/14/07 doctor's note allegedly signed by Dr. [REDACTED]. On the same day, MCMC faxed the note to Dr. [REDACTED] for follow-up. MCMC received written information from Dr. [REDACTED] confirming that [REDACTED] was not seen in his office since 2002.
- o 3/22/07 -- [REDACTED] officially takes over [REDACTED]'s file. She has limited medical provider information and billing information. [REDACTED] contacted Dr. [REDACTED]'s office and received the same information indicated in the file. Dr. [REDACTED] has never treated [REDACTED] and the last time [REDACTED] was seen in Dr. [REDACTED]'s office was in 2002.

On the same day, [REDACTED] telephoned [REDACTED] and left a message, to no avail. [REDACTED] then contacted [REDACTED], Amtrak's medical provider. [REDACTED] advised [REDACTED] that the last time [REDACTED] was seen was 11/17/06 and had no future appointments.

- o 4/11/07 -- [REDACTED] contacted [REDACTED], [REDACTED] indicated that she often works with [REDACTED] office in furtherance of her duties. After discussion with Amtrak representatives ([REDACTED] - [REDACTED]), Amtrak determined that [REDACTED] should close [REDACTED]'s case.

3. OI Agents met with Dr. [REDACTED] regarding the allegation. Dr. [REDACTED] was shown copies of documents marked as Exhibits A & B [see attached copies]. Dr. [REDACTED] stated as follows:

He did not provide treatment to [REDACTED] on November 14, 2006, or at any other time. He did not prepare (nor was it prepared on his behalf) the medical note dated November 14, 2006, nor is it his signature on the medical note in question. Dr. [REDACTED] stated that the note in question is not the disability form that he uses, but rather a combination of his "Missed Appointment Notification" form (Exhibit C) and his "Disability" form (Exhibit D).¹ Dr. [REDACTED] indicated that it was possible that he was not in town on November 14, 2006 because he spends about 70% of his time at the [REDACTED] locations.

To Agents' questions, Dr. [REDACTED] stated that no one in his office has authorization to sign his name. While he indicated that he might, on occasion, have his assistant fill in the disability dates once he decides how long the patient should be out of work, he has never allowed, over the

¹ In addition to providing Agents with (marked through) Exhibits C and D, Dr. [REDACTED] provided Agents with a copy of his letterhead, See Exhibit E.

course of his practice, anyone to sign his name or signature on disability forms or any other medical form involving a patient. Dr. [REDACTED] showed Agents his signature. Dr. [REDACTED] further stated that when he started his practice, he was determined not to become a "sick slip" doctor, a doctor that would give out disability slips at a patient's request, rather than based on the ailment. Dr. [REDACTED] informed Agents that he has adhered to that philosophy by ensuring that each patient who requires a medical disability notice be seen by him and, following examination and discussion (with the patient), a determination is made to determine the best course of action for the patient.

Dr. [REDACTED] advised that he received a copy² of Exhibit A from someone. He could not identify whom he received it from. At that time, Dr. [REDACTED] had his staff conduct a thorough computer and/or file search to ascertain whether [REDACTED] had been seen in his office on November 14, 2006. Dr. [REDACTED] advised that the search revealed that [REDACTED] had not been treated by him or any of the other physicians in his practice on November 14, 2006. However, on one occasion only, [REDACTED] had been treated by one of his colleagues on January 14, 2002. Once Dr. [REDACTED] obtained this information, he indicated that he personally wrote the notation on the bottom of Exhibit B stating such. Dr. [REDACTED] confirmed that this was, in fact, his handwriting.

4. The OI made several attempts to contact [REDACTED] at her residence, to no avail. Agents then contacted [REDACTED]'s supervisor, [REDACTED], to request assistance in scheduling an interview with [REDACTED]. During the course of that conversation, [REDACTED] advised Agents that [REDACTED] had not returned to work. When asked whether her absence was related to her on-the-job injury, [REDACTED] responded negatively, stating that she had recently been advised by Amtrak's Medical Department that it had received medical documentation indicating that [REDACTED] was going to be out on medical leave until September 2007.

5. OI Agents contacted Amtrak's Medical Department and requested the medical documentation in question. Upon receipt of the medical documentation, it was revealed that [REDACTED] had submitted a Statement of Disability dated December 14, 2006 and an accompanying letter allegedly signed by Dr. [REDACTED].

6. OI Agents contacted Dr. [REDACTED] regarding the allegation.

Inasmuch as Dr. [REDACTED]'s name and signature appeared on documentation submitted by [REDACTED], OI asked Dr. [REDACTED] whether he signed (or had signed on his behalf) two documents attached herein as Exhibits 1 and 2.

With regard to Exhibit 1 dated November 14, 2000, Dr. [REDACTED] stated that the letterhead was genuine and in use at this office during the time period in question. Dr. [REDACTED] further indicated that the first two sentences on the November 14, 2000 letter were his. Although he did not provide specifics with regard to deviations from his original letter, he did advise Agents that changes to the letter he prepared began at the third sentence. Dr. [REDACTED] further advised Agents that the last four paragraphs, which constitute the body of the letter, were not prepared by him or on his behalf. Additionally, Dr. [REDACTED] stated that the signature on the bottom of the letter was not his signature.

With regard to Exhibit 2 (2-pages) dated December 14, 2006, Dr. [REDACTED] stated that he updated his office files every two years and "had no record of this document in his files."

² Information obtained by the OIG revealed that [REDACTED] faxed the 11/14/06 note to Dr. [REDACTED] on January 5, 2007.

Dr. [REDACTED] was able to authenticate the legitimacy of the letters he prepared or that were prepared on his behalf because he maintains copies of all of his dictations.

Dr. [REDACTED] inquired whether the OI had subpoena authority. Agents responded affirmatively. Dr. [REDACTED] stated that he was willing to cooperate with the OI, but did not want to violate any HIPPA rules, regulations or laws. Dr. [REDACTED] further stated that he would be willing to meet with Agents and provide any information required with his attorney present. Agents told Dr. [REDACTED] that they would confer with OI counsel regarding additional questions for him.

Agents contacted Dr. [REDACTED] at a later date and informed him that we had prepared and mailed a subpoena [July 19, 2007, Subpoena 07-11] to his attention for his attorney's review.

7. Throughout the course of the OI's investigation, Agents had been in contact with [REDACTED] regarding documentation that [REDACTED] had submitted to the RRB regarding her Amtrak leaves of absence for the time periods in question. [REDACTED] advised Agents that [REDACTED] had submitted claims for CYs 2000 and 2005. [REDACTED] forwarded to OI Agents four documents [Supplemental Doctor's Statement (3); and Statement of Sickness (1)]. A review of the documents revealed that a Dr. [REDACTED] of [REDACTED] Family Care had allegedly signed the forms. Agents advised [REDACTED] that they would contact Dr. [REDACTED] and verify the authenticity of the documents.

8. OI Agents met with Dr. [REDACTED] regarding the allegation.

OI Agents asked Dr. [REDACTED] if he had prepared and signed four different forms [3 Supplemental Doctor's Statements and 1 Application for Sickness Benefits], on behalf of [REDACTED]. The documents in question (marked as Exhibits 1 - 4) were obtained from the RRB/OIG. Dr. [REDACTED] responded as follows:

Exhibit 1 "Supplemental Doctor's Statement"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #1 and had not prepared this RRB Supplemental Doctor's Statement.

Exhibit 2 "Supplemental Doctor's Statement"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #2 and had not prepared this RRB Supplemental Doctor's Statement.

Exhibit 3 "Supplemental Doctor's Statement"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #3 and had not prepared this RRB Supplemental Doctor's Statement.

Exhibit 4 "Application of Sickness Benefits"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #4 and had not prepared this Application of Sickness Benefits form.

In addition to showing Dr. [REDACTED] Exhibits 1 - 4, Agents showed Dr. [REDACTED] the following documents identified herein as 5 - 7:

Exhibit 5 "Treating Physician Medical Status Report Statement of Disability"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #5, nor was that his signature affixed to this Treating Physician Medical Status Report Statement of Disability form.

Exhibit 6 "Treating Physician Medical Status Report Statement of Disability"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #6, nor was that his signature affixed to this Treating Physician Medical Status Report Statement of Disability form.

Exhibit 7 "Treating Physician Medical Status Report Statement of Disability"

Dr. [REDACTED] advised Agents that he had never seen the document marked as #7, nor was that his signature affixed to this Treating Physician Medical Status Report Statement of Disability form.

To the Agents' query, Dr. [REDACTED] stated that no one in his office has authorization to sign his name. According to Dr. [REDACTED], he prepares and signs all forms pertaining to worker's compensation and disability claims.

9. On December 13, 2007, Supervisory Special Agent [REDACTED], accompanied by Associate Legal Counsel [REDACTED] met with [REDACTED] [REDACTED] [REDACTED] and [REDACTED] to discuss the OIG/RRB case involving [REDACTED]. The OI representatives and [REDACTED] provided [REDACTED] with information regarding the background of the case, with [REDACTED] making inquiries as needed. The [REDACTED] [REDACTED] accepted the case and decided to prosecute [REDACTED].

10. On January 8, 2008, the writer [OI Agent [REDACTED]], along with [REDACTED], met with [REDACTED] to obtain information regarding [REDACTED]'s continued medical leave of absence ("MLOA"), to discuss an allegation that [REDACTED] may have falsified documents submitted to both Amtrak's Medical Department and the RRB in furtherance of her continued absence, and that she had illegally obtained RRB monies using these forged documents. The interview was conducted at [REDACTED]'s residence located at [REDACTED].³

Agents asked [REDACTED] whether she has been providing medical documentation to Amtrak's Medical Department. [REDACTED] responded, "No," stating that she was not aware that she was required to submit medical documentation for a pregnancy. [REDACTED] is currently attending [REDACTED] University majoring in Political Science and English. When asked whether she intended to return to Amtrak, [REDACTED] responded [alluding to her pregnancy] saying that she doesn't know, because Amtrak is just not a "family-friendly" organization. [REDACTED] said that due to her [high-risk] pregnancy, she is limited to the types of work that she can perform. Agents asked if she would be entitled to "light duty" work detail. [REDACTED] complained to Agents that this was part of her frustration. She claimed to Agents that she sees others offered "light duty" detail, but it was not offered to her. She also intimated that some person in a supervisory position suggested to her that she should probably not attempt to return to Amtrak. She provided no name for that individual.

³ [REDACTED] and her husband, [REDACTED], Amtrak - [REDACTED] live at this address with [REDACTED]'s parents - [REDACTED].

When shown the forms/documents in question⁴, [REDACTED] was asked whether she signed the various doctors' names and/or provided written diagnoses and prognoses. [REDACTED] admitted signing her personal signature on certain documents, but could not remember if she signed the doctors' names and provided the diagnoses/prognoses listed therein. [REDACTED] stated that although she could not remember [doing it], she took full responsibility for the documents and agreed to sign a statement attesting to having committed these acts. (See attached statement)

11. As a result of discussions which OI initiated between Medical Services personnel and [REDACTED] management/supervisory personnel, a Form 2000 [Personnel Action] was prepared, effective January 16, 2008, terminating [REDACTED]'s health benefits and employment with Amtrak for failure to provide medical documentation in support of her continued absence.

12. [REDACTED] appeared in court for her initial appearance. She was represented by a court-appointed attorney, was released on her own recognizance, and her arraignment scheduled.

13. On October 2, 2008, [REDACTED] pled guilty to one criminal count. Her sentencing was scheduled for December 4, 2008.

14. On December 5, 2008, [REDACTED] contacted OI and advised that [REDACTED] appeared for sentencing on December 4, 2008. [REDACTED] was sentenced to three (3) years probation and ordered to pay restitution in the amount of \$7,280.

RECOMMENDATIONS:

The writer recommends that this case be closed with no further action warranted pending receipt of additional information.

Supervisor: [REDACTED]

Deputy Inspector General: James J. [REDACTED] 11/13/09

CLOSED

⁴ Forms consisted of nine documents; i.e., three ea. Supplemental Doctor's Statements (RRB Form SI-7); 1 ea. Statement of Sickness (RRB Form SI-1b); 3 ea. Treating Physical Medical Status Report - Statement of Disability (NRPC 2717); and 2 ea. letters from treating physicians.