

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: HOLLY HALL-HARBIN, ) OEIG Case #11-00106

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Holly Hall-Harbin at her last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**I. Allegations**

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that Illinois Department of Human Services (“DHS”) employee Holly Hall-Harbin<sup>1</sup> falsified documents to justify absences for claimed medical appointments. Specifically, Ms. Hall-Harbin is alleged to have altered documents from her doctor substantiating medical treatment in order to claim paid workers’ compensation benefit time on dates when she did not receive medical treatment. These allegations are **FOUNDED**.

**II. Background on Subject Holly Hall-Harbin**

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<sup>1</sup> During her OEIG interview, Ms. Hall-Harbin stated that her married name includes “Harbin,” and she is known as “Holly Hall-Harbin.” Some records referred to in this report list her as “Holly Hall” or some variant. In this report, she is referred to as “Holly Hall-Harbin.”

Holly Hall-Harbin is a Mental Health Technician at the Madden Mental Health Center (“Madden”) in Hines, Illinois. Ms. Hall-Harbin assists patients with laundry, hygiene, and recreation, and conducts room checks. She is paid on an hourly basis and has been employed at Madden since January 2001.

### III. Investigation

#### A. *Interviews of Madden* [REDACTED]

In February, March, and August of 2011, OEIG investigators interviewed [REDACTED] provided investigators with information relating to the workers’ compensation leave process used by DHS and Ms. Hall-Harbin’s workers’ compensation claim. Below is a summary of this leave process and how it related to Ms. Hall-Harbin.

##### i. *DHS Leave Policy for Workers’ Compensation Claimants*

[REDACTED] stated that Madden employees are entitled to receive compensated time to attend medical appointments for work-related injuries. In order to receive compensated time, employees are required to submit proof of their medical appointments. A copy of this proof of medical appointment is provided to the employee’s supervisor for approval and a second copy is sent to [REDACTED] for placement in the employee’s workers’ compensation file. According to [REDACTED], the amount of compensated time an employee may take for appointments varies depending on how far a patient must travel to and from an appointment, among other things. [REDACTED] said that Madden does not have a policy limiting the amount of time permitted for medical appointments related to workers’ compensation claims.

##### ii. *Ms. Holly Hall-Harbin’s Workers’ Compensation Claim*

[REDACTED] said she received documentation reflecting that Holly Hall-Harbin was injured on October 20, 2010 in an incident with a Madden client. Ms. Hall-Harbin suffered injuries to her arm, neck, and right hand. As a result of her injury, Ms. Hall-Harbin applied for and began receiving workers’ compensation benefits. Ms. Hall-Harbin was subsequently placed on “light duty” following her workplace injury.

The “Light Duty/Work Accommodation Program” at Madden allows an employee who has suffered a work-related injury and is restricted from performing his or her regular duties to return to work if he or she is capable of performing other approved tasks.<sup>2</sup> [REDACTED] stated that Ms. Hall-Harbin was approved by the Illinois Workers’ Compensation Commission to receive chiropractic and physical therapy treatment. Ms. Hall-Harbin was treated at a medical practice called Advanced Physical Medicine (“APM”).

APM uses a form it calls a “Disability Status/Certificate of Professional Care” (“Disability Certificate”) in order to document patient doctor visits. [REDACTED] stated that Ms. Hall-Harbin generally took full days off work to attend her doctor appointments at APM.

<sup>2</sup> See Madden Mental Health Center Policy & Procedure Manual, Vol. II, Section 3926.

iii. ██████████'s Review of Disability Certificates that Ms. Holly Hall-Harbin Submitted for Dates in December 2010 and January 2011

██████████ informed OEIG investigators that she was approached by ██████████ ██████████, about the authenticity of certain Disability Certificates submitted by Ms. Hall-Harbin in December 2010 and January 2011. According to ██████████, the disability certificates appeared suspicious because the doctors' signatures and the dates on the forms looked as though they had been "whited-out."

After ██████████ raised these concerns, ██████████ requested and received copies of the Disability Certificates maintained by APM and compared the Disability Certificates received with copies of Disability Certificates that Ms. Hall-Harbin had previously submitted to Madden. ██████████ stated that she found several discrepancies between the Disability Certificates APM maintained and those submitted by Ms. Hall-Harbin. The following is a summary of the suspected Disability Certificate alterations identified by ██████████:<sup>3</sup>

- December 8, 2010: Ms. Hall-Harbin submitted a December 8, 2010 Disability Certificate to ██████████, but there was no corresponding Disability Certificate for the same date (December 8, 2010) in the documents APM produced to ██████████. ██████████ also stated that the number "8" on the December 8, 2010 Disability Certificate Ms. Hall-Harbin had submitted appeared to have been written over or altered but that the rest of the writing on the document appears to be identical to the writing on the December 6, 2010 Disability Certificate Ms. Hall-Harbin submitted to ██████████.
- December 23, 2010: Ms. Hall-Harbin submitted a December 23, 2010 Disability Certificate to ██████████, but there was no corresponding Disability Certificate for the same date (December 23, 2010) in the documents APM produced to ██████████.
- December 29, 2010: Ms. Hall-Harbin submitted a December 29, 2010 Disability Certificate to ██████████, but there was no corresponding Disability Certificate for the same date (December 29, 2010) in the documents APM produced to ██████████.
- January 4, 2011: Ms. Hall-Harbin submitted a January 4, 2011 Disability Certificate to ██████████, but there was no corresponding Disability Certificate for the same date (January 4, 2011) in the documents APM produced to ██████████. ██████████ also stated that the January 4, 2011 Disability Certificate Ms. Hall-Harbin submitted appeared to be a duplicate of the January 5, 2011 Disability Certificate Ms. Hall-Harbin submitted to ██████████.
- January 7, 2011: Ms. Hall-Harbin submitted a January 7, 2011 Disability Certificate to ██████████, but there was no corresponding Disability Certificate for the same date (January 7, 2011) in the documents APM produced to ██████████. ██████████ also stated

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<sup>3</sup> This list includes only those identified discrepancies that the OEIG was able to investigate further.

that the form submitted by Ms. Hall-Harbin for January 7, 2011 appears to be a duplicate of the January 11, 2011 Disability Certificate she submitted to [REDACTED].

*B. Interview of Madden [REDACTED]*

On March 17, 2011, OEIG investigators interviewed [REDACTED]. [REDACTED] confirmed that Ms. Hall-Harbin had recently been on "light duty" as a result of a workers' compensation claim. [REDACTED] stated that while Ms. Hall-Harbin was on light duty, she was required to submit written verification of medical appointments for her work-related injury.<sup>4</sup> This documentation was first reviewed by [REDACTED], and then forwarded to [REDACTED] for review. [REDACTED] recalled that when she received Ms. Hall-Harbin's Disability Certificates, she was skeptical of their authenticity because the forms looked like they had been altered with "white-out." [REDACTED] stated that almost all of the Disability Certificates appeared the same, except for the numbers, which appeared to have been altered (day changed).

*C. OEIG Review of Ms. Hall-Harbin's Records at APM*

On April 21, 2011, OEIG investigators visited APM and reviewed Ms. Hall-Harbin's medical file with Dr. [REDACTED].<sup>5</sup> APM's file contained Disability Certificates identical to those APM sent [REDACTED]. However, Ms. Hall-Harbin's file also included two prescription notes dated December 8, 2010, one of which also stated Ms. Hall-Harbin received treatment on "12/8/10," among other dates. There were no Disability Certificates in Ms. Hall-Harbin's file for the following dates:

- December 8, 2010;
- December 23, 2010;
- January 4, 2011; and
- January 7, 2011.

On May 5, 2011, OEIG investigators returned to APM to review Physician Treatment and Physical Therapy Notes relating to Ms. Hall-Harbin. APM's file contained Physical Therapy Notes for Ms. Hall-Harbin dated December 29, 2010. However, there were no Physician Treatment or Physical Therapy Notes on file for Ms. Hall-Harbin for the following dates:

- December 8, 2010;
- December 23, 2010;
- January 4, 2011; and
- January 7, 2011.

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<sup>4</sup> APM uses Disability Certificates to verify medical appointments in writing.

<sup>5</sup> Ms. Hall-Harbin signed a Workers' Compensation Claim Information Release Authorization for the October 20, 2010 injury at Madden. OEIG investigators supplied Dr. [REDACTED] with a copy of this release during their meetings on April 21, 2011 and May 5, 2011.

In sum, the APM's records for Ms. Hall-Harbin did not contain any record of treatment for December 23, 2010, January 4, 2011, or January 7, 2011. Although there was no Disability Certificate or other treatment notes for December 8, 2010, APM's files did include two signed prescription notes dated December 8, 2010.

*D. Interview of Subject Holly Hall-Harbin*

On June 7, 2011, OEIG investigators interviewed Mental Health Technician Holly Hall-Harbin. According to Ms. Hall-Harbin, a Madden patient yanked on her arm in October 2010, resulting in injuries to her arm, neck, and right hand. Ms. Hall-Harbin said she sought emergency treatment after the incident and continued her treatment later at APM. Ms. Hall-Harbin also stated that she took a full day off when she had APM appointments because of APM's location and because public transportation made it difficult for her to return to work after the appointments. She further said that APM maintained sign-in sheets for patients and that she signed in every time she received treatment at APM.

Ms. Hall-Harbin stated further that when she took time off to go to APM, she received Disability Certificates from APM. She also stated that APM always gave her the originals and that APM staff made copies for their files. Ms. Hall-Harbin stated that she gave the original Disability Certificates to [REDACTED] and [REDACTED], but kept a photocopy for herself. According to Ms. Harbin-Hall, if she ever lost or did not have possession of one of her Disability Certificates, she would call APM and ask that a copy be faxed to Madden.

Investigators informed Ms. Hall-Harbin that Madden did not have original copies of the Disability Certificates. Ms. Hall-Harbin denied altering any Disability Certificates she submitted to [REDACTED] and stated that the forms were filled out by physicians and staff at APM. Ms. Hall-Harbin further stated that her attorney at the Vrdolyak Law Firm may have additional copies of Disability Certificates because APM faxed copies to his office. Ms. Hall-Harbin said she would also search for original copies in her possession.<sup>6</sup>

*i. Holly Hall-Harbin's Statements Regarding December 8, 2010*

OEIG investigators showed Ms. Hall-Harbin copies of the Disability Certificates she submitted to [REDACTED] for December 6 and 8, 2010. Ms. Hall-Harbin reviewed the two documents and denied making any changes to the December 8, 2010 Disability Certificate and denied changing the "6" to an "8" on the date line for the December 8, 2010 Disability Certificate. Ms. Hall-Harbin said she saw APM "Dr. [REDACTED]" on both days (December 6 and 8, 2010). Ms. Hall-Harbin further said she had brought the original Disability Certificate for December 6, 2010 to [REDACTED] but that she ([REDACTED]) had directed her to get more documentation from her doctor showing that Ms. Hall-Harbin was unable to work because of medication she was taking. Ms. Hall-Harbin said that [REDACTED] sent her back four times with the same paperwork because she ([REDACTED]) did not believe the paperwork submitted was

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<sup>6</sup> On July 12, 2011, Ms. Hall-Harbin informed OEIG investigators that she could not locate any original Disability Certificates in her possession.

sufficient. According to Ms. Hall-Harbin, [REDACTED] spoke with “Dr. [REDACTED]” on the phone and asked him to fax her documents showing that he had seen Ms. Hall-Harbin for treatment.

*ii. Holly Hall-Harbin’s Statements Regarding December 23, 2010*

Ms. Hall-Harbin reviewed the December 23, 2010 Disability Certificate and her attendance record that revealed she did not work that day. Ms. Hall-Harbin explained that there were times that she would go to APM and find out that her doctors were not available. She said that on those days, staff would give her a Disability Certificate reflecting that she had been at APM. Investigators informed Ms. Hall-Harbin that APM did not have any record of her being at APM on December 23, 2010. Ms. Hall-Harbin insisted that she was at APM on December 23, 2010.

*iii. Holly Hall-Harbin’s Statements Regarding January 4, 2011*

Ms. Hall-Harbin reviewed the January 4, 2011 Disability Certificates she submitted. Ms. Hall-Harbin was informed that APM did not have any record of her receiving treatment on that date. In response, she stated that she recalled being there on January 4 and 5, 2011. She was then asked to compare the Disability Certificates for January 4 and 5, 2011. Ms. Harbin-Hall initially said that the two Disability Certificates appeared identical, but then said she thought the writing on the Disability Certificate dated January 4, 2011 appeared to be written in more of a cursive writing style than the January 5, 2011 Disability Certificate.

*iv. Holly Hall-Harbin’s Statements Regarding January 7, 2011*

Ms. Hall-Harbin reviewed the Disability Certificates for January 7 and 11, 2011. Investigators advised Ms. Hall-Harbin that APM did not have a record of her receiving treatment on January 7, 2011. Ms. Harbin-Hall stated that she received treatment at APM on January 7, 2011 because Dr. [REDACTED] had her coming twice a week and she recalled having to pay a driver to take her to a train that day.

*E. Investigative Activity Following Subject Interview*

*i. Further OEIG Review of APM Records*

On June 24, 2011, OEIG investigators returned to APM and requested copies of sign-in sheets that might reflect whether or not Ms. Hall-Harbin was at APM on the dates when APM did not have Disability Certificates or treatment notes. Dr. [REDACTED] reviewed APM’s sign-in sheets<sup>7</sup> and stated that the sign-in sheets for December 23, 2010, January 4, 2011, and January 7, 2011 did not include Ms. Hall-Harbin’s name. Dr. [REDACTED] also stated that APM was closed on December 23, 2010. Dr. [REDACTED] showed OEIG investigators Ms. Hall-Harbin’s name on sign-in sheets for December 6, 2011, December 8, 2011, December 20, 2011, January 5, 2011, and January 11, 2011.

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<sup>7</sup> Dr. [REDACTED] cited the confidentiality provisions of the Health Insurance Portability and Accountability Act as a basis for not showing investigators the sign-in sheets on which Ms. Hall-Harbin did not appear because the sheets contained other patients’ information.

*ii. Review of Records Produced by Ms. Hall-Harbin's Attorney*

On June 24, 2011, the OEIG received documents from the Vrdolyak Law Group that were reportedly issued to Ms. Hall-Harbin by APM. The documents did not contain Disability Certificates for December 23, 2010, January 4, 2011, and January 7, 2011.

*F. OEIG Comparison of Disability Certificates*

OEIG investigators reviewed the Disability Certificates that ██████████ identified as having been altered. In particular, the OEIG noted the Disability Certificates for December 8, 2010, January 4, 2011, and January 7, 2011 appeared to be identical to those submitted for December 6, 2010, January 5, 2011, and January 11, 2011, respectively, in all material ways except for the date. These three sets of Disability Certificates are attached to this report as follows:

- December 8, 2010 & December 6, 2010 (**Exhibit A**);
- January 4, 2011 & January 5, 2011 (**Exhibit B**); and
- January 7, 2011 & January 11, 2011 (**Exhibit C**).

*G. Ms. Hall-Harbin's Billing Records at APM*

On November 9, 2011, an OEIG investigator telephoned Dr. ██████████ at APM and requested that they review any existing medical bills for treatment provided to Ms. Hall-Harbin on the following dates:

- December 8, 2010;
- December 23, 2010;
- January 4, 2011; and
- January 7, 2011.

Dr. ██████████ asked a receptionist to review APM billing records for Ms. Hall-Harbin on those dates. His receptionist stated that APM billed for treatment received by Ms. Hall-Harbin on December 8, 2010, but did not bill for any treatment on the following dates:

- December 23, 2010;
- January 4, 2011; and
- January 7, 2011.

Dr. ██████████ then asked his receptionist to review APM's calendar for December 2010 to determine whether APM was open on December 23, 2010. The receptionist confirmed that APM was closed on December 23, 2010.

**IV. Analysis**

DHS has numerous rules, regulations, and administrative directives that govern employee conduct. Specifically, DHS and Madden require employees to comply with the following policies:

- The DHS Employee Handbook, Section V, states in relevant part: “[a]n employee shall not participate in or condone fraud, dishonesty, or misrepresentation in the performance of duties.”
- DHS Administrative Directive 01.02.02.170(J) states in relevant part: “[e]mployees who falsify time or attendance records may be subject to discipline, up to and including discharge.”
- Madden Mental Health Center Policy and Procedure Manual, Section 3926(IV) requires employees approved for Light Duty and receiving workers’ compensation to submit return-to-work statements after attending medical appointments.

*A. Misrepresentation Regarding Medical Treatment on December 23, 2010, January 4, 2011 and January 7, 2011.*

The DHS Employee Handbook, Section V, states in relevant part: “[a]n employee shall not participate in or condone fraud, dishonesty, or misrepresentation in the performance of duties.”

Holly Hall-Harbin violated Madden and DHS policies when she represented to DHS and Madden that she received medical treatment on December 23, 2010, January 4, 2011, and January 7, 2011.<sup>8</sup>

*i. Misrepresentation Regarding Medical Treatment on December 23, 2010*

Ms. Hall-Harbin could not have received medical treatment at APM on December 23, 2010, as evidenced by the following:

- Dr. ██████ informed OEIG investigators that APM was not open that day;
- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin’s signature for that day;
- APM had no record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin’s attorney did not produce an original Disability Certificate for that day; and,
- APM did not bill for any treatment for December 23, 2010.

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<sup>8</sup> The December 8, 2010 Disability Certificate submitted by Ms. Hall-Harbin appears to be an altered copy of the Disability Certificate for December 6, 2010. See **Exhibit A**. However, APM records show that prescription slips were signed on December 8, 2010, and that Ms. Hall-Harbin signed in at APM on December 8, 2010. In addition, APM billed for treatment on December 8, 2010. Because the evidence suggests that Ms. Hall-Harbin visited a doctor on December 8, 2010, the OEIG does not find that she falsified the December 8, 2010 Disability Certificate.

OEIG investigation reveals that Ms. Hall-Harbin misrepresented to Madden that she received medical treatment on December 23, 2010. Therefore, the allegation that Ms. Hall-Harbin engaged in misrepresentation regarding the December 23, 2010 date is **FOUNDED**.

*ii. Misrepresentation Regarding Medical Treatment on January 4, 2011*

Ms. Hall-Harbin did not receive medical treatment at APM on January 4, 2011, as evidenced by the following:

- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin's signature for that day;
- APM did not have any record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin's attorney could not produce an original Disability Certificate for that day; and,
- APM did not bill for treatment for January 4, 2011.

OEIG investigation reveals that Ms. Hall-Harbin misrepresented to Madden that she received medical treatment on January 4, 2011. Therefore, the allegation that Ms. Hall-Harbin engaged in misrepresentation regarding the January 4, 2011 date is **FOUNDED**.

*iii. Misrepresentation Regarding Medical Treatment on January 7, 2011*

Ms. Hall-Harbin did not receive medical treatment at APM on January 7, 2011, as evidenced by the following:

- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin's signature for that day;
- APM did not have any record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin's attorney did not produce an original Disability Certificate for that day; and,
- APM did not bill for treatment for January 7, 2011.

OEIG investigation reveals that Ms. Hall-Harbin misrepresented to Madden that she received medical treatment on January 7, 2011. Therefore, the allegation that Ms. Hall-Harbin engaged in misrepresentation regarding the January 7, 2011 date is **FOUNDED**.

*B. Falsification of Disability Certificates for December 23, 2010, January 4, 2011 and January 7, 2011*

DHS Administrative Directive 01.02.02.170(J) states in relevant part: “[e]mployees who falsify time or attendance records may be subject to discipline, up to and including discharge.”

*i. Falsification of December 23, 2010 Disability Certificate*

Ms. Hall-Harbin falsified the December 23, 2010 Disability Certificate she submitted to Madden, as evidenced by the following:

- Dr. [REDACTED] informed OEIG investigators that APM was not open that day;
- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin's signature for that day;
- APM had no record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin's attorney did not produce an original Disability Certificate for that day; and,
- APM did not bill for any treatment for December 23, 2010.

OEIG investigation reveals that Ms. Hall-Harbin falsified the December 23, 2010 Disability Certificate she submitted to Madden. Therefore, the allegation that Ms. Hall-Harbin falsified a time or attendance record for December 23, 2010 is **FOUNDED**.

*ii. Falsification of January 4, 2011 Disability Certificate*

Ms. Hall-Harbin falsified the January 4, 2011 Disability Certificate she submitted to Madden, as evidenced by the following:

- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin's signature for that day;
- APM did have any record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin's attorney could not produce an original Disability Certificate for that day;
- APM did not bill for treatment for January 4, 2011; and,
- The January 4, 2011 Disability Certificate appears to be a duplicate of the January 5, 2011 Disability Certificate that Ms. Hall-Harbin submitted to [REDACTED].

OEIG investigation reveals that Ms. Hall-Harbin falsified the January 4, 2011 Disability Certificate she submitted to Madden. Therefore, the allegation that Ms. Hall-Harbin falsified a time or attendance record for January 4, 2011 is **FOUNDED**.

*iii. Falsification of January 7, 2011 Disability Certificate*

Ms. Hall-Harbin falsified the January 7, 2011 Disability Certificate she submitted to Madden, as evidenced by the following:

- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;

- APM did not have a sign-in sheet bearing Ms. Hall-Harbin's signature for that day;
- APM did not have any record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin's attorney did not produce an original Disability Certificate for that day;
- APM did not bill for treatment for January 7, 2011; and,
- The January 7, 2011 Disability Certificate appears to be a duplicate of the January 11, 2011 Disability Certificate that Ms. Hall-Harbin submitted to [REDACTED].

OEIG investigation reveals that Ms. Hall-Harbin falsified the January 7, 2011 Disability Certificate she submitted to Madden. Therefore, the allegation that Ms. Hall-Harbin falsified a time or attendance record for January 7, 2011 is **FOUNDED**.

*C. Fraudulent Use of Compensated Time on December 23, 2010, January 4, 2011, and January 7, 2011.*

The "Light Duty/Work Accommodation Program" at Madden allows an employee who has suffered a work-related injury and is restricted from performing his or her regular duties to return to work if he or she is capable of performing other approved tasks. These employees are entitled to receive compensated time to attend medical appointments if they submit return-to-work statements after attending medical appointments. Ms. Hall-Harbin received pay for time that she did not work at Madden and did not receive medical treatment on December 23, 2010, January 4, 2011, and January 7, 2011, in violation of Madden's "Light Duty/Work Accommodation Program." See Madden Mental Health Center Policy & Procedure Manual, Vol. II, Section 3926.

*i. Fraudulent Use of Compensated Time on December 23, 2010*

Ms. Hall-Harbin did not receive medical treatment at APM on December 23, 2010, and therefore fraudulently received compensation for December 23, 2010, as evidenced by the following:

- Dr. [REDACTED] informed OEIG investigators that APM was not open that day;
- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin's signature for that day;
- APM had no record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin's attorney did not produce an original Disability Certificate for that day; and,
- APM did not bill for any treatment for December 23, 2010.

OEIG investigation reveals that Ms. Hall-Harbin fraudulently used compensated time on December 23, 2010. Therefore, the allegation that Ms. Hall-Harbin violated the terms of the “Light Duty/Work Accommodation Program” for December 23, 2010 is **FOUNDED**.

*ii. Fraudulent Use of Compensated Time on January 4, 2011*

Ms. Hall-Harbin did not receive medical treatment at APM on January 4, 2011, and therefore fraudulently received compensation for January 4, 2011, as evidenced by the following:

- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day;
- APM did not have a sign-in sheet bearing Ms. Hall-Harbin’s signature for that day;
- APM did not have any record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin’s attorney could not produce an original Disability Certificate for that day; and,
- APM did not bill for treatment for January 4, 2011.

OEIG investigation reveals that Ms. Hall-Harbin fraudulently used compensated time on January 4, 2011. Therefore, the allegation that Ms. Hall-Harbin violated the terms of the “Light Duty/Work Accommodation Program” for January 4, 2011 is **FOUNDED**.

*iii. Fraudulent Use of Compensated Time on January 7, 2011*

Ms. Hall-Harbin did not receive medical treatment at APM on January 7, 2011, and therefore fraudulently received compensation for January 7, 2011, as evidenced by the following:

- APM did not have a Disability Certificate on file for Ms. Hall-Harbin for that day; APM did not have a sign-in sheet bearing Ms. Hall-Harbin’s signature for that day;
- APM did not have any record of treatment in the form of Physician Treatment or Physical Therapy Notes for that day;
- Ms. Hall-Harbin did not produce an original Disability Certificate for that day;
- Ms. Hall-Harbin’s attorney did not produce an original Disability Certificate for that day; and,
- APM did not bill for treatment for January 7, 2011.

OEIG investigation reveals that Ms. Hall-Harbin fraudulently used compensated time on January 7, 2011. Therefore, the allegation that Ms. Hall-Harbin violated the terms of the “Light Duty/Work Accommodation Program” for January 7, 2011 is **FOUNDED**.

*D. Ms. Hall-Harbin Failed to Cooperate with the OEIG*

The State Officials and Employees Ethics Act (“Ethics Act”) requires every State employee under the OEIG’s jurisdiction to cooperate with OEIG investigations. 5 ILCS 430/20-70. The Ethics Act defines “failure to cooperate” with an investigation as “intentional omissions

and knowing false statements,” and states that failing to cooperate is grounds for disciplinary action, including dismissal. *Id.*

As described above, OEIG investigators asked Ms. Hall-Harbin specifically about her attendance at APM for medical treatment on the three dates of December 23, 2010, January 4, 2011, and January 7, 2011. With respect to each of those dates, Ms. Hall-Harbin continued to claim that she was at APM, even when informed that APM had no record of her medical treatment. In fact, APM was not open for business on December 23, 2010, making it impossible for Ms. Hall-Harbin to have received medical treatment that day. Indeed, Ms. Hall-Harbin insisted on claiming she received medical treatment when confronted with two sets of identical Disability Certificates. See Exhibit B & Exhibit C. The allegations that Holly Hall-Harbin provided knowing false statements to OEIG investigators about medical treatment on December 23, 2010, January 4, 2011, and January 7, 2011 are **FOUNDED**.

## V. Recommendations

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Holly Hall-Harbin misrepresented to Madden that she received medical treatment on December 23, 2010.
- **FOUNDED** – Holly Hall-Harbin submitted a falsified Disability Certificate for December 23, 2010.
- **FOUNDED** – Holly Hall-Harbin fraudulently used compensated time on December 23, 2010.
- **FOUNDED** – Holly Hall-Harbin provided knowing false statements to OEIG investigators about receiving medical treatment on December 23, 2010.
- **FOUNDED** – Holly Hall-Harbin misrepresented to Madden that she received medical treatment on January 4, 2011.
- **FOUNDED** – Holly Hall-Harbin submitted a falsified Disability Certificate for January 4, 2011.
- **FOUNDED** – Holly Hall-Harbin fraudulently used compensated time on January 4, 2011.
- **FOUNDED** – Holly Hall-Harbin provided knowing false statements to OEIG investigators about receiving medical treatment on January 4, 2011.
- **FOUNDED** – Holly Hall-Harbin misrepresented to Madden that she received medical treatment on January 7, 2011.
- **FOUNDED** – Holly Hall-Harbin submitted a falsified Disability Certificate for January 7, 2011.
- **FOUNDED** – Holly Hall-Harbin fraudulently used compensated time on January 7, 2011.
- **FOUNDED** – Holly Hall-Harbin provided knowing false statements to OEIG investigators about receiving medical treatment on January 7, 2011.

The OEIG recommends that DHS terminate Holly Hall-Harbin for her misconduct, and that DHS seek reimbursement from Ms. Holly-Harbin for the wages she received for dates on

which she falsified the basis for workers' compensation leave time: December 23, 2010; January 4, 2011; and January 7, 2011.



No further investigative action is warranted and this case is considered closed.

**EXHIBIT A**

**DISABILITY STATUS/CERTIFICATE OF PROFESSIONAL CARE**

Date 1/10/10

To Whom It May Concern:

This is to certify that Ham, Holly is under my professional care for the condition of Wound to leg to steel (RT) Arm and

- Was seen in my office today.
- Was seen in my office today, is unable to return to work today, and may return tomorrow.
- Has been placed on total temporary disability.
- Is released to work under the following restrictions:
  - No restrictions
  - Part time work only. \_\_\_\_\_ hours per day
  - Limited work activities as follows:

\_\_\_\_\_ no lifting, carrying, pushing or pulling \_\_\_\_\_ pounds.

\_\_\_\_\_ no stooping, bending or climbing.

\_\_\_\_\_ no walking more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no standing more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no sitting more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no arm activities over shoulder level.

\_\_\_\_\_ no \_\_\_\_\_

CFN # 116-476

Duration of restrictions:

From \_\_\_\_\_ to \_\_\_\_\_

Comments: \_\_\_\_\_

If additional information is need, please feel free to call.

Signed: \_\_\_\_\_

MEDICINE

DISABILITY STATUS/CERTIFICATE OF PROFESSIONAL CARE

Date 11/6/10

To Whom It May Concern:

This is to certify that Ann Holly is under my professional care for the condition of work injury to neck (CT) Ann, and

Was seen in my office today.

Was seen in my office today, is unable to return to work today, and may return tomorrow.

Has been placed on total temporary disability.

Is released to work under the following restrictions:

No restrictions

Part time work only. \_\_\_\_\_ hours per day

Limited work activities as follows:

\_\_\_\_\_ no lifting, carrying, pushing or pulling \_\_\_\_\_ pounds.

\_\_\_\_\_ no stooping, bending or climbing.

\_\_\_\_\_ no walking more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no standing more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no sitting more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no arm activities over shoulder level.

\_\_\_\_\_ no \_\_\_\_\_

Duration of restrictions:

From \_\_\_\_\_ to \_\_\_\_\_

Comments: \_\_\_\_\_

If additional information is need, please feel free to call.

Signed: \_\_\_\_\_

PERSONNEL  
MAR 01 2011

**EXHIBIT B**

PHYSICAL  
MEDICINE

**DISABILITY STATUS/CERTIFICATE OF PROFESSIONAL CARE**

Date 1/04/11

To Whom It May Concern:

This is to certify that Holly Hall is under my professional care for the condition of Work Injury, and

- Was seen in my office today.
- Was seen in my office today, is unable to return to work today, and may return tomorrow.

- Has been placed on total temporary disability.
- Is released to work under the following restrictions:
  - No restrictions
  - Part time work only. \_\_\_\_\_ hours per day
  - Limited work activities as follows:

\_\_\_\_\_ no lifting, carrying, pushing or pulling \_\_\_\_\_ pounds.

\_\_\_\_\_ no stooping, bending or climbing.

\_\_\_\_\_ no walking more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no standing more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no sitting more than \_\_\_\_\_ continuous hours at a time.

\_\_\_\_\_ no arm activities over shoulder level.

\_\_\_\_\_ no \_\_\_\_\_

**Duration of restrictions:**

From \_\_\_\_\_ to \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

If additional information is need, please feel free to call.

Signed: \_\_\_\_\_

PHYSICAL  
MEDICINE

DISABILITY STATUS/CERTIFICATE OF PROFESSIONAL CARE

Date 1/5/11

To Whom It May Concern:

This is to certify that Holly Hall is under my professional care for the  
condition of Wrist Pain and \_\_\_\_\_

- Was seen in my office today.
- Was seen in my office today, is unable to return to work today, and may return tomorrow.
- Has been placed on total temporary disability.
- Is released to work under the following restrictions:
  - No restrictions
  - Part time work only. \_\_\_\_\_ hours per day
  - Limited work activities as follows:
    - \_\_\_\_\_ no lifting, carrying, pushing or pulling \_\_\_\_\_ pounds.
    - \_\_\_\_\_ no stooping, bending or climbing.
    - \_\_\_\_\_ no walking more than \_\_\_\_\_ continuous hours at a time.
    - \_\_\_\_\_ no standing more than \_\_\_\_\_ continuous hours at a time.
    - \_\_\_\_\_ no sitting more than \_\_\_\_\_ continuous hours at a time.
    - \_\_\_\_\_ no arm activities over shoulder level.
    - \_\_\_\_\_ no \_\_\_\_\_

PERSONNEL  
MAR 01 2011

Duration of restrictions:

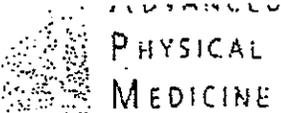
From \_\_\_\_\_ to \_\_\_\_\_

Comments: \_\_\_\_\_

If additional information is need, please feel free to call.

Signed: \_\_\_\_\_

EXHIBIT C



DISABILITY STATUS/CERTIFICATE OF PROFESSIONAL CARE

Date 1/27/11

To Whom It May Concern:

This is to certify that Holly Hall is under my professional care for the condition of work injury, and

- Was seen in my office today.
Was seen in my office today, is unable to return to work today, and may return tomorrow.
Has been placed on total temporary disability.
Is released to work under the following restrictions:
No restrictions
Part time work only, hours per day
Limited work activities as follows:
no lifting, carrying, pushing or pulling pounds.
no stooping, bending or climbing.
no walking more than continuous hours at a time.
no standing more than continuous hours at a time.
no sitting more than continuous hours at a time.
no arm activities over shoulder level.
no

Duration of restrictions:

From to

Comments:

If additional information is need, please feel free to call.

Signed:

1100 ...

PHYSICAL  
MEDICINE

DISABILITY STATUS/CERTIFICATE OF PROFESSIONAL CARE

Date 1/11/11

To Whom It May Concern:

This is to certify that Holly Hall is under my professional care for the condition of work injury and \_\_\_\_\_

- Was seen in my office today.
- Was seen in my office today, is unable to return to work today, and may return tomorrow.

- Has been placed on total temporary disability.
- Is released to work under the following restrictions:

- No restrictions
- Part time work only. \_\_\_\_\_ hours per day
- Limited work activities as follows:

\_\_\_\_\_ no lifting, carrying, pushing or pulling \_\_\_\_\_ pounds.  
\_\_\_\_\_ no stooping, bending or climbing.  
\_\_\_\_\_ no walking more than \_\_\_\_\_ continuous hours at a time.  
\_\_\_\_\_ no standing more than \_\_\_\_\_ continuous hours at a time.  
\_\_\_\_\_ no sitting more than \_\_\_\_\_ continuous hours at a time.  
\_\_\_\_\_ no arm activities over shoulder level.  
\_\_\_\_\_ no \_\_\_\_\_

PERSONNEL  
MAR 01 2011

Duration of restrictions:

From \_\_\_\_\_ to \_\_\_\_\_

Comments: \_\_\_\_\_

If additional information is need, please feel free to call.

Signed: \_\_\_\_\_



Pat Quinn, Governor

Michelle R.B. Saddler, Secretary

Office of the Secretary  
401 South Clinton Street • Chicago, Illinois 60607  
100 South Grand Avenue East • Springfield, Illinois 62762

December 29, 2011

Mr. Ricardo Meza  
Executive Inspector General  
Office of the Executive Inspector General  
For the Agencies of the Illinois Governor  
32 West Randolph Street, Suite 1900  
Chicago, Illinois 60601

Re: OEIG Case No: 10-00101 Final Report

Dear Inspector General Meza:

On November 29, the OEIG issued a final report in the above matter regarding Holly Hall-Harbin, Mental Health Technician at Madden Mental Health Center. The OEIG recommended that DHS terminate Holly Hall-Harbin for misconduct, and that DHS seek reimbursement from Hall-Harbin for the wages she received for dates on which she falsified the basis for workers' compensation leave time: December 23, 2010; January 4, 2011 and January 7, 2011.

The Department has reviewed the final report and concurs with the recommendations of the OEIG to terminate Hall Harbin. A pre-disciplinary hearing was scheduled for December 28, 2011 at 4:00 p.m. The Department will advise the OEIG of the outcome of the hearing and what actions were taken regarding Hall Harbin.

With all of the OEIG recommendations having been implemented, DHS considers this matter resolved and respectfully requests this case be closed.

Sincerely,

Michelle R.B. Saddler  
Secretary

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Pat Quinn, *Governor*

Michelle R.B. Saddler, *Secretary*

Office of the Secretary  
401 South Clinton Street • Chicago, Illinois 60607  
100 South Grand Avenue East • Springfield, Illinois 62762

October 29, 2013

Mr. Ricardo Meza  
Executive Inspector General  
Office of the Executive Inspector General  
For the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

RE OEIG Complaint #11-00106

Dear Executive Inspector General Meza:

On November 29, 2011 your office issued its final report in the above matter regarding Holly Hall-Harbin, a Mental Health Technician at the Madden Mental Health Center. The OEIG recommended that DHS terminate Ms. Hall-Harbin for misconduct, and DHS concurred with your recommendation. Ms. Hall-Harbin grieved the decision to terminate. The parties agreed to a Resolution Prior to Arbitration in September 2013, and a copy of this agreement is attached. The agreement allowed Ms. Hall-Harbin to voluntarily resign her position provided she submitted her letter of resignation on or before September 16, 2013. Ms. Hall-Harbin did not submit her resignation; as a result, her separation from the Department of Human Services is considered to be a discharge

Sincerely,

Michelle R.B. Saddler  
Secretary

RESOLUTION PRIOR TO ARBITRATION

GRIEVANCE NO.: 0009-0028-13 (543931)

GRIEVANT: Holly Harbin

AGENCY/FACILITY: Department of Human Services/Madden M.H.

ISSUE: Suspension Pend/Discharge

RESOLUTION:

in full and complete resolution of the above captioned matter, the parties agree:

1. The union and the grievant, Holly Harbin, will withdraw the above-captioned grievance.
2. The grievant, Holly Harbin, agrees to resign and hereby does voluntarily resign her position of employment with the Department of Human Services, by September 16, 2013, and further agrees not to either seek or accept re-employment with the Department of Human Services, State of Illinois, at any time in the future.
3. Upon receipt of the written resignation by the Employer of Holly Harbin resignation, the personnel records of Holly Harbin will be purged of any mention of discharge, but will contain a copy of the resignation.
4. The time period of January 13, 2012 – September 16, 2013 shall be considered an unpaid leave of absence.
5. Should the grievant, Holly Harbin, fail to provide a written resignation by September 16, 2013, the parties agree that the above-captioned grievant will be considered as having been discharged.
6. The Union and the grievant, Holly Harbin, agree to refrain from initiating any grievance, administrative or other judicial proceedings arising out of this discharge action or the circumstances that led to the filing of charges of discharge.
7. This resolution is made without precedent or prejudice in the disposition of other cases and may not be utilized in any subsequent proceedings except for the enforcement of its terms.

\_\_\_\_\_  
For the Employer

Dated: 9-3-13

\_\_\_\_\_  
For the Union

Dated: 9-4-13

ENTERED