

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: SHENEQUA CARTER,) OEIG Case #13-00740

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 Shenequa Carter 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. INTRODUCTION

On April 5, 2013, the Office of Executive Inspector General (OEIG) received a complaint alleging that CTA Bus Operator Shenequa Carter submitted a falsified document in order to receive leave pursuant to the Family and Medical Leave Act (FMLA).

II. INVESTIGATION

Shenequa Carter has been employed as a CTA bus driver since 2008. Depending upon the circumstances, federal and state law allows Ms. Carter to seek FMLA leave.

In order to obtain FMLA leave, Ms. Carter must, among other things, submit an FMLA application packet to CTA’s third-party administrator, Sedgwick Claims Management Services (Sedgwick). The application packet includes a Certification of Health Care Provider for Family Member’s Serious Health Condition form (FMLA form). The employee’s health care provider must “[a]nswer, fully and completely, all applicable parts” of the FMLA form.

A. Review of Sedgwick's Records

Records reveal that beginning in May 2012, Sedgwick received multiple FMLA forms asserting that Ms. Carter required FMLA leave to care for her son. After receiving one form, dated February 25, 2013, purported to have been completed and signed by Dr. A,¹ Sedgwick initiated a Physician's Advisory (PA) Review of the details listed on the form.

During the PA Review, Dr. A's Medical Assistant stated that: (1) neither she nor Dr. A completed the February 25, 2013 FMLA form, (2) Dr. A's name was spelled incorrectly on the form, and (3) neither Ms. Carter nor her son had been seen in Dr. A's office since October 2012.

B. Review of the Relevant FMLA Forms

Sedgwick records revealed multiple FMLA forms for Ms. Carter between May 2012 and March 2013,² including three FMLA forms identifying Dr. A as the health care provider and signed in Ms. Carter's name.³ Two of the three forms were faxed to Sedgwick by a number associated with Burr Oak Elementary School.⁴ The forms further revealed the following:

<u>FMLA Form</u>	<u>Treatment Dates</u>	<u>Ms. Carter Signature Date</u>	<u>Date Faxed to Sedgwick</u>
Nov. 16, 2012	Nov. 16, 2012	Nov. 16, 2012	Nov. 26, 2012
Feb. 25, 2013 (1st submission)	Feb. 16-25, 2013	Feb. 25, 2012 ⁵	Feb. 26, 2013
Feb. 25, 2013 (2nd submission) ⁶	Feb. 16-25, 2013	Feb. 25, 2012	Mar. 6, 2013

C. Documents and Information Regarding Burr Oak Elementary School

Investigators discovered that Ms. Carter's son was enrolled at Burr Oak Elementary School during the 2012-2013 school year. Moreover, Ms. Carter's name (and her mother's) appears on the visitor's log for Burr Oak School on February 25 and March 18, 2013.

Public School District officials for Burr Oak School confirmed that the fax number used to submit two of the above-referenced forms belonged to Burr Oak School. The officials also stated school employees have access to the fax machine, and parents of students are allowed to use the machine to send and receive faxes relating to students, such as doctor's notes.

D. Interview of Dr. A

¹ For purposes of this report, the OEIG has not disclosed the doctor's name, although it was provided to the CTA.

² Although other forms were reviewed, this report pertains only to the forms listing Dr. A as the health care provider.

³ On two of the three forms, Dr. A's first name was spelled incorrectly.

⁴ The 2nd submission of the February 25, 2013 form did not identify the fax number from which it was sent.

⁵ Ms. Carter dated both submissions of the Feb. 25, 2013 form "2-25-12," however, she clarified in her interview that the year should be 2013.

⁶ This form appears to have been re-submitted because the 1st submission was missing the last page of the form.

On August 6, 2014, investigators interviewed Dr. A, who said that he *did not* complete Ms. Carter's November 16, 2012 or February 25, 2013 FMLA forms. Dr. A said that neither the handwriting nor the signature on the forms belonged to him and also noted his name was misspelled on one of the FMLA forms. Dr. A explained that it would be highly unlikely that any other employee or doctor completed these forms because he never allows anyone else to complete FMLA forms on his behalf and employees could be terminated if they violated office policy and explained that it was office protocol to keep a copy of FMLA forms in a patient's file.

Dr. A searched his office's records and confirmed that his office has no record of any staff employee or doctor *ever* completing *any* FMLA form for Ms. Carter or her son. Further, Dr. A stated his office has no record of Ms. Carter's son visiting his office at *any* time between October 22, 2012 and April 5, 2013.

E. Interview of CTA Employee Shenequa Carter

On August 12, 2014, the OEIG interviewed Ms. Carter. Ms. Carter acknowledged using FMLA leave, but denied: (1) completing or signing the health care provider portions of the November 16, 2012 and February 25, 2013 FMLA forms, (2) faxing the forms to Sedgwick, and (3) directing anyone else (besides Dr. A's office staff) to complete, sign, or fax the forms.⁷

Ms. Carter said she and her son had a scheduled appointment with Dr. A on November 16, 2012, but arrived late. Ms. Carter said she had to reschedule the appointment, but nonetheless gave the FMLA form to the "triage nurse" at the office on that day.⁸ Ms. Carter said the nurse told her she would fax the form to Sedgwick and keep a copy in the office's files.⁹

According to Ms. Carter, on February 16, 2013, her son had an appointment with Dr. A and, at that time, she delivered an FMLA form and a completed fax cover page to the "triage nurse" at the office. Ms. Carter said that she instructed the nurse to fax the FMLA form to Sedgwick once completed. Ms. Carter said she signed the FMLA form and dated it February 25, 2013. Investigators asked Ms. Carter why she dated the form February 25, 2013, when she said she signed it on February 16, 2013. In response, she said that in January 2013, a Sedgwick employee told her the form should cover February 16 to 25, 2013 to cover her absence pattern.¹⁰

In addition, Ms. Carter stated that after visiting Dr. A with her son on February 16, 2013, she received a phone call from Sedgwick, notifying her that Sedgwick did not receive her FMLA form.¹¹ Ms. Carter said she completed a new fax cover sheet, dated March 6, 2013, took it to Dr. A's office, and instructed the "triage nurse" to use it to re-fax the completed February 25, 2013 FMLA form.

⁷ Further, Ms. Carter said that she never obtained copies of any completed FMLA forms from Dr. A's office.

⁸ Ms. Carter said she saw different triage nurses at Dr. A's office each time there, but was unable to recall any names, other than for the nurse she said she saw on March 6, 2013.

⁹ Ms. Carter said she signed the FMLA form and dated it November 16, 2012.

¹⁰ Sedgwick's records do not reflect the January 2013 telephone conversation.

¹¹ Sedgwick's records contradict Ms. Carter's statement and instead indicate that on February 27, 2013, a Sedgwick employee informed Ms. Carter that her February 25, 2013 form had been received, but was missing the last page.

Finally, Ms. Carter could not explain how the November 16, 2012 and February 25, 2013 FMLA forms were faxed from Burr Oak School, although she acknowledged her son attended the school during the 2012-2013 school year. Ms. Carter later acknowledged visiting Burr Oak School multiple times during that year but denied using, having access to, or asking others to fax anything on her behalf.

III. ANALYSIS

A. Shenequa Carter Submitted Falsified FMLA Forms

The CTA's General Rule Book Governing all Employees, section 14(j), prohibits employees from "[f]alsifying any *written or verbal* statement" (emphasis in original).

Dr. A denied filling out, signing, or having his staff fill out the physician portion of Ms. Carter's FMLA forms. The OEIG finds Dr. A's statements wholly credible, and does not believe Ms. Carter's denials about the forms. Accordingly, the OEIG concludes that Ms. Carter knowingly submitted falsified forms to Sedgwick, which is supported by the following:

- 1) Dr. A's office records do not contain any FMLA forms for Ms. Carter's son, and do not show any office visits between October 22, 2012 and April 5, 2013;
- 2) the FMLA forms were faxed from Burr Oak Elementary School, which Ms. Carter's son attended and which Ms. Carter visited multiple times during the school year; and
- 3) although Ms. Carter claims she signed and dated the second form on February 16, 2013, she wrote February 25, 2013 next to her signature. Ms. Carter's explanation for allegedly post-dating this form does not make sense and is contradicted by Sedgwick's records.

Therefore, the allegation that Ms. Carter violated Rule 14(j) of the CTA Rule Book when she submitted falsified FMLA forms to Sedgwick is **FOUNDED**.

B. Shenequa Carter Failed to Cooperate with the OEIG

The Illinois State Officials and Employees Ethics Act requires CTA employees to cooperate during OEIG investigations and states "[f]ailure to cooperate includes, but is not limited to, intentional omissions and knowing false statements." 5 ILCS 430/20-70.

The OEIG finds that Ms. Carter knowingly lied to investigators, in violation of Section 20-70 of the Ethics Act, when she told them she did not:

- complete, or direct anyone else to complete, the November 16, 2012 FMLA form;
- fax, or direct anyone else to fax, the November 16, 2012 FMLA form to Sedgwick;
- complete, or direct anyone else to complete, the February 25, 2013 FMLA form; and

- fax, or direct anyone else to fax, the February 25, 2013 FMLA form to Sedgwick.

Therefore, this allegation is **FOUNDED**.

IV. CONCLUSION

After due investigation, the OEIG issues these findings:

- **FOUNDED** – Ms. Carter violated Rule 14(j) of the CTA Rule Book when she submitted falsified FMLA forms to Sedgwick.
- **FOUNDED** – Ms. Carter violated Section 20-70 of the Ethics Act by knowingly making numerous false statements to investigators during her interview on August 12, 2014.

The OEIG recommends that Ms. Carter be disciplined for submitting falsified FMLA forms to Sedgwick, and for making knowing false statements to investigators.

The OEIG is not referring this matter to the Illinois Attorney General's Office for a reasonable cause determination, no further action is required, and this matter is closed.

Date: **October 1, 2014**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
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Ryan Donaldson
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Office of Executive Inspector General

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**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 13-00740

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within 60 New days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

[Signature]
Signature

Chicago Transit Authority, Director Bus Operations
Print Agency and Job Title

Michael Stubbe
Print Name

10/16/14
Date



TO: Office of Executive Inspector General

FROM: Monica McMillan-Robinson
Vice President, Bus Operations

DATE: February 20, 2015

**RE: OEIG Case No. 13-0740 – FINAL REPORT
RESPONSE REQUIRED**

The above-referenced final report involves allegations of misconduct by CTA employee Shenequa Carter. The OEIG concluded that Ms. Carter violated Rule 14(j) of the CTA Rule Book when she submitted falsified FMLA forms to Sedgwick. Additionally, the OEIG concluded that Ms. Carter violated Section 20-70 of the Ethics Act when she knowingly made false statements to OEIG investigators.

Based on the findings and recommendations in the OEIG's Final Report, CTA independently conducted its own internal investigation. As a result, CTA found Ms. Carter to be in violation of the following CTA General Rules: Rule 7(a,b,c): Obedience to Rules, Rule 14(e,j): Personal Conduct, and Rule 24: Use of Best Judgment. On February 12, 2015, in accordance with its Corrective Action Guidelines, CTA discharged Ms. Carter as a result of these rule violations.

No further action will be taken on this matter at this time, and CTA considers this case closed.

cc: Doug Kucia
Hal Woods
Jeff Hulbert