

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: LOLITA HARGRAVE) OEIG Case # 12-00038

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 Lolita Hargrave at her last known address.

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

FINAL REPORT

I. Initial Allegation

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that Chicago Transit Authority (“CTA”) bus operator Lolita Hargrave falsified a doctor’s office form in an effort to delay her return to work from short-term disability.

II. Background

A. The CTA Short-Term Disability Claims Process

CTA union employees may take short-term disability leave for up to twenty-six weeks. CTA Administrative Procedure (hereinafter "Procedure") #1010, "Non-Work Related Injury or Illness (Short Term Disability)" (in effect June 1, 2010—January 1, 2012). CTA contracts with a third party administrator, [administrator], to process the short-term disability claims of CTA employees.

CTA employees file claims with [the administrator, which] sends the employee the necessary forms to complete in order to be eligible for short-term disability. Employees must send [the administrator] documents prepared by a medical provider that substantiate the employee's absence from work. Procedure #1010, 4.2. [The administrator] then reviews the claims information submitted, determines whether the employee is eligible for short-term disability, and informs the employee and the employee's supervisor of that determination. If an employee wishes to extend the absence beyond the initially approved period, then [the administrator] also determines whether medical documents substantiate this extension of the claim.

B. Subject Lolita Hargrave

Prior to her resignation on March 1, 2012, Lolita Hargrave was employed as a bus operator for fourteen years with the CTA. In late 2011, she experienced back pain and was absent from work from November 9, 2011 until December 21, 2011. Ms. Hargrave was under the care of [physician's office] from November 9, 2011 through December 22, 2011.

C. Ms. Hargrave's Short-Term Disability Claim

Ms. Hargrave filed a claim with [the administrator] for short-term disability on November 9, 2011 and her claim was approved for the period of November 9, 2011 through November 29, 2011.

III. Investigation

A. Documents Related to Ms. Hargrave's Short-Term Disability Claim

The OEIG obtained and reviewed numerous documents related to Ms. Hargrave's short-term disability claim. In particular, the OEIG reviewed two documents relating to Ms. Hargrave's medical treatment at [physician's office]:

- a letter from [physician's office] dated December 6, 2011 and bearing the signature of a [physician's office] doctor that states that Ms. Hargrave is able to return to work on December 9, 2011.
- a form from [physician's office] dated December 13, 2011 and bearing the same [physician's office] doctor's signature stating that Ms. Hargrave is able to return to work on December 17, 2011 (hereinafter "Return to Work Form").

B. Interview with [administrator's claims examiner]

On February 15, 2012, the OEIG interviewed [claims examiner]. [Claims examiner] is responsible for claims filed by CTA employees who are on short-term disability for more than three days.

According to [claims examiner], on December 20, 2011, she identified a discrepancy between the Return to Work Form she received from Ms. Hargrave via fax and the document she had previously received from [the physician's office]. The Return to Work Form was dated December 13, and stated that Ms. Hargrave had a return to work date of December 17, 2011. [Claims examiner] had previously received a letter from [the physician's office] dated December 6 stating that Ms. Hargrave had a return to work date of December 9, 2011. [Claims examiner] stated that because of the apparent discrepancy, she reported the incident to her supervisor and to [disability coordinator] at [physician's office].

According to [claims examiner], [disability coordinator] did not recall filling out a form on December 13, 2011 and requested that [claims examiner] fax the Return to Work Form to [physician's office]. [Claims examiner] faxed the requested form. [Disability coordinator] called back and stated that the [physician's office's] doctor had not completed the Return to Work Form dated December 13, 2011.

C. Interview with [disability coordinator] for [physician's office]

On February 7, 2012, OEIG interviewed [disability coordinator for physician's office]. As noted above, Ms. Hargrave was under the care of [physician's office] during her short-term disability. [Disability coordinator] stated that she first became aware of a possible issue regarding a falsified form when [claims examiner] contacted her. According to [disability coordinator], [claims examiner] claimed that there was a problem with the Return to Work Form that Ms. Hargrave submitted to [the administrator].

[Disability coordinator] called Ms. Hargrave regarding the [physician's office] form Ms. Hargrave had submitted. According to [disability coordinator], Ms. Hargrave admitted that she had falsified the document. Specifically, Ms. Hargrave stated to [disability coordinator], "I'm not going to lie to you, I did it myself." When [disability coordinator] asked Ms. Hargrave how she obtained the note, Ms. Hargrave responded, "I had a blank one signed a long time ago."

[Disability coordinator] confirmed that the December 6, 2011 document from [physician's office] stating that Ms. Hargrave could return to work on December 9, 2011 was the original, authentic return to work order from the [physician's office's] doctor.

D. Ms. Hargrave's Resignation

Beginning on February 17, 2012, the OEIG began attempting to contact Ms. Hargrave in an effort to interview with her and eventually scheduled her interview for March 2, 2012. On March 2, 2012, Ms. Hargrave did not appear for the interview.

The OEIG obtained documents that indicate that Ms. Hargrave had resigned from the CTA the day before, March 1, 2012, effective immediately. After the OEIG left Ms. Hargrave

several voicemail messages, Ms. Hargrave called back and stated that she had moved [out of state] but would be in contact with the OEIG when she returned to Chicago in a few weeks.

IV. Analysis

A. CTA Short-Term Disability Policy

In order to be eligible for short-term disability, a CTA employee must provide the necessary medical documents to substantiate the absence. Procedure 1010, 4.1. Similarly, if the employee would like to extend the absence beyond the initially approved disability period, then he or she must submit further medical documentation to the third party administrator. Procedure 1010, 4.2 (d). "Medical documentation" is defined as "[a] statement prepared by a licensed physician or licensed medical provider that includes the name of the employee, the date the employee was seen, and provides an objective medical finding including a diagnosis, prognosis, and stipulates any period of partial or total incapacity to perform the job." Procedure 1010, 3.3.

As described above, the CTA policy requires that supporting medical documentation for absences be "prepared by a licensed physician or a licensed medical provider." Procedure 1010, 3.3. In this case, it is clear that the Return to Work Form was not prepared by a licensed physician or medical provider. Rather, Ms. Hargrave admitted to [disability coordinator] that she (Ms. Hargrave) completed the Return to Work Form. Because a medical provider did not prepare the form that Ms. Hargrave submitted, the allegation that Ms. Hargrave violated the short-term disability policy is **FOUNDED**.

B. CTA Rules Regarding False Statements

Under the applicable CTA rules¹, "[t]he following acts are not permissible...falsifying any *written or verbal* statement" (emphasis in the original). Rule 14(j): Personal Conduct. Ms. Hargrave admitted to [disability coordinator] that she (Ms. Hargrave) completed a medical form bearing her physician's signature without his participation or permission. Therefore, the allegation that Lolita Hargrave violated the CTA rules by falsifying a written statement is **FOUNDED**.

V. Recommendations

After due investigation, the OEIG issues these findings:

- **FOUNDED**—Lolita Hargrave violated the CTA short-term disability policy when she submitted a medical form that was not prepared by a medical provider.
- **FOUNDED**—Lolita Hargrave violated the CTA rules when she falsified a written statement.

¹ The *Chicago Transit Authority General Rule Book Governing All Employees* (in effect October 1, 1989; Adopted and Approved by CTA Ordinance No. 77-63, June 8, 1977).

In light of the fact that Lolita Hargrave resigned the day before her scheduled OEIG interview, no further disciplinary action need be taken regarding this investigation. Nevertheless, the OEIG recommends that CTA place a copy of this report in Ms. Hargrave's file and that Ms. Hargrave not be considered for future CTA employment.

No further investigative action is needed, and this case is considered closed.



**Office of Executive Inspector General
for the Agencies of the Illinois Governor**

www.inspectorgeneral.illinois.gov

OEIG RESPONSE FORM

Case Number: 12-00038

**Due Within 20 Days of Receipt of
Report**

Please check the box that applies.

- We have implemented all of the OEIG recommendations.
(Provide details regarding action taken.)

A copy of this document has been placed in Ms. Hargrave's file along with documentation that she shall not be rehired by CTA. We have consulted with our third party administrator, _____ to insure that similar situations do not occur.

- We will implement all of the OEIG recommendations but will require additional time. We will report to OEIG within 30 days from the original return date.
(Provide details regarding action planned / taken.)

(over)

- We are implementing one or more of the OEIG recommendations, however, we plan to depart from other OEIG recommendations.

(Provide details regarding action planned / taken and any alternate plan(s).)

- We do not wish to implement any of the OEIG recommendations.
(Explain in detail why and provide details of any alternate plan(s).)

Signature

Forrest Claypool

Print Name

CTA, President

Print Agency and Job Title

5/1/12

Date