

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: ROBEN HALL) OEIG Case #15-02105

OEIG FINAL REPORT (REDACTED)

Below is an amended 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 this 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 Roben Hall 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. INTRODUCTION

On October 21, 2015, the Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Human Services (DHS) Human Services Caseworker (Caseworker) Roben Hall improperly used her [Relative’s] Supplemental Nutrition Assistance Program (SNAP) benefits. The complaint alleged that [Relative] was admitted to a nursing home, that [Relative’s] SNAP benefits “should have stopped” on September 2, 2015, and that Roben Hall used the benefits to make purchases on October 4, 2015. On January 7, 2016, DHS terminated Roben Hall.

II. BACKGROUND

A. Supplemental Nutrition Assistance Program

SNAP is a program administrated by DHS “designed to help people buy food by supplementing the cash they have available to buy food.”¹ Benefits are provided on the Illinois Link card, an electronic card that works like a debit card to allow users to purchase food at most grocery stores.² DHS policy provides that SNAP benefit recipients must notify DHS of certain changes, including a change of address.³ In addition, DHS policy provides that individuals living in a residential facility from which they receive a majority of their meals are not eligible for SNAP benefits.⁴

B. DHS Caseworker Roben Hall

In June 2011, Roben Hall began working at DHS as a Social Services Career Trainee; she was promoted to Caseworker in late 2012. Her responsibilities as a Caseworker included processing applications for DHS customers whose SNAP benefits were subject to redetermination.⁵ Her salary was \$59,448.

III. OEIG INVESTIGATION

A. [Relative’s] SNAP Benefits

The OEIG obtained and reviewed [Relative’s] SNAP benefits file. The file showed that [Relative] applied for and began receiving monthly SNAP benefits in May 2014, and continued receiving benefits until October 21, 2015. Documentation in the file also showed that Roben Hall is [Relative’s] [relative] and approved representative, meaning that Roben Hall can act on [Relative’s] behalf by, among other things, using [Relative’s] Link card to spend [Relative’s] SNAP benefits.⁶ According to the file, [Relative] resided at [REDACTED] Street, Carpentersville, IL. However, other documentation provided by DHS⁷ shows that on September 2, 2015, [Relative] was admitted to Tower Hill Healthcare Center (Tower Hill), a skilled nursing facility that provides 24-hour nursing care.⁸ Despite [Relative’s] move to Tower Hill, the file showed that [Relative’s] SNAP benefits were used on the following dates after September 2, 2015, in the following amounts:

Date	Store Name	Location	Amount
September 7, 2015	Meijer	Algonquin, IL	\$51.46
September 14, 2015	Aldi	Elgin, IL	\$35.28
September 14, 2015	Woodman’s Food Market	Carpentersville, IL	\$2.26

¹ DHS Policy Manual § I-05-01; *see also* 305 ILCS 5/12-4.13; 89 Ill. Admin. Code § 10.130(a); 7 U.S.C. § 2011.
² *See* DHS Policy Manual §§ 22-01-01, 22-01-01(h); *see also* Illinois Link Card, <http://www.dhs.state.il.us/page.aspx?item=30371> (last accessed Jan. 14, 2016); Supplemental Nutrition Assistance Program, <http://www.dhs.state.il.us/page.aspx?item=30357> (last accessed Jan. 14, 2016).
³ DHS Policy Manual § 18-04-00.
⁴ DHS Policy Manual § 04-05-04. There are exceptions to this policy that are not applicable here. *Id.*
⁵ DHS conducts periodic redeterminations of customers’ eligibility for SNAP benefits. DHS Policy Manual § 19-03-02, 19-03-03.
⁶ DHS Policy Manual § 02-04-02-a.
⁷ *See* “Healthcare and Family Services, LTC Results,” dated September 2, 2015 (admission record).
⁸ Tower Hill identifies itself as a “Skilled Nursing and Rehabilitation Center” and provides meals free-of-charge to its residents. “Tower Hill Healthcare Center,” <http://towerhillhealthcare.com> (last visited Jan. 14, 2016).

October 4, 2015	Meijer	Elgin, IL	\$17.05
October 4, 2015	Jewel-Osco	South Elgin, IL	\$14.26

The total amount of the transactions is \$120.31. On October 21, 2015, DHS terminated [Relative's] SNAP benefits. The benefits file contained no documentation from Roben Hall notifying DHS that [Relative] was admitted to Tower Hill.

B. Interviews of DHS [Employee 1]

On November 16 and December 14, 2015, the OEIG interviewed DHS [Employee 1]. [Employee 1] stated that DHS' Medical Field Operations notified her local office when it learned that [Relative] was living in a nursing home. [Employee 1] stated that because [Relative] was residing in a nursing home, [Relative] was no longer eligible for SNAP benefits. [Employee 1] explained that she contacted Tower Hill and confirmed that it provides all of [Relative's] meals.

[Employee 1] stated that on October 23, 2015, she received a phone call from Roben Hall, who attempted to use [Relative's] SNAP benefits on this day but was unsuccessful. [Employee 1] stated that Roben Hall asked, "What did you do to my benefits?" When [Employee 1] asked her to repeat the question, Roben Hall rephrased it, and asked what happened to her [relative's] benefits. [Employee 1] said she replied that that [Relative's] benefits were terminated due to her living in a nursing home, and Roben Hall said she would appeal the decision.

[Employee 1] stated that, as a Caseworker, Roben Hall handled, among other things, SNAP eligibility for disabled clients and was aware of the duty to report changes to SNAP eligibility. However, [Employee 1] stated that Roben Hall never notified DHS that [Relative] was residing in a nursing home. [Employee 1] stated that Roben Hall's failure to notify DHS that [Relative] had moved into Tower Hill and continued use of the SNAP benefits violated DHS policy. [Employee 1] recalled Roben Hall arguing that she was cooking food at home and bringing it to [Relative] at the nursing home. [Employee 1] said that even if this was true, [Relative] was not eligible to receive SNAP benefits.

C. Interview of DHS Human Services Caseworker Roben Hall

On November 24, 2015, the OEIG interviewed then-DHS Caseworker Roben Hall. Roben Hall stated that she has lived at [REDACTED] Street, Carpentersville, Illinois with her [Relative] since April 2013. Roben Hall stated that on September 3, 2015, [Relative] was moved from a hospital to Tower Hill.⁹ The OEIG provided Roben Hall with a list of the transactions, detailed above, that occurred in September and October 2015 involving [Relative's] Link card. Roben Hall confirmed that she used the card on four of the five occasions; she stated that she did not know who made the \$51.46 transaction on September 7, 2015, but acknowledged that she did not believe anyone else had possession of the Link card on that date. Roben Hall stated that

⁹ Although the admission record shows admission on September 2, 2015, other documentation shows that the transfer occurred on September 3, 2015.

she sometimes bought food with [Relative's] Link card, prepared the food at home, and brought it to [Relative] at Tower Hill because [Relative] was not eating [Relative's] Tower Hill meals.

Roben Hall stated that it was not her (Roben Hall's) job to monitor [Relative's] case; rather, her job was only to assist [Relative].¹⁰ Roben Hall stated that, in late August or early September 2015, she spoke to her supervisor, [Supervisor], about taking time away from her job. Roben Hall said that during this conversation, she told [Supervisor] that [Relative] was at Tower Hill on a short-term basis.¹¹ Roben Hall stated that she did not complete any documentation indicating that [Relative] was not living at home, and said that it is "not my place to report the change." According to Roben Hall, if DHS needed to know about [Relative's] living situation, DHS should have contacted [Relative] or mailed a form. She stated that, because [Relative] would only be at Tower Hill temporarily, reporting this change was neither necessary nor would it impact [Relative's] SNAP benefits.

In her interview, Roben Hall stated that, on or about October 23, 2015, she first learned that [Relative] would be a permanent resident, and that she then notified the DHS local office and DHS [Employee 2] of the change. The OEIG reviewed an email that Roben Hall sent to [Employee 2] and others on October 23, 2015. The email stated in relevant part: "[Relative] has not been admitted into a nursing home thus far; therefore any actions taken your office regarding a [long-term care] placement are being officially appealed. All benefits are to be reinstated until the appeal is complete."

IV. ANALYSIS

DHS policy provides that SNAP benefit recipients must notify DHS of certain changes, including a change of address.¹² In addition, DHS policy provides that individuals living in a residential facility from which they receive a majority of their meals are not eligible for SNAP benefits.¹³

During her interview, Roben Hall acknowledged that prior to October 23, 2015, she never notified DHS that [Relative] moved into Tower Hill on September 3, 2015. She further acknowledged that she made four purchases after September 3, 2015, using [Relative's] SNAP benefits. The OEIG's review of [Relative's] benefit file confirmed that Roben Hall did not notify DHS that [Relative] had changed addresses and resided at Tower Hill.

In her interview, Roben Hall told investigators that on October 23, 2015, she first learned that [Relative] would be a permanent resident at Tower Hill and notified DHS of this on or around that date. However, in her October 23rd email to DHS, Roben Hall actually stated that [Relative] had *not* been admitted to a nursing home. Roben Hall knew [Relative] resided in a

¹⁰ Roben Hall also stated that she is unsure how to look up rules within the DHS Policy Manual, and does not know all of the DHS policies that apply to her job due to ineffective training.

¹¹ During her interviews, [Employee 1] stated that it did not matter whether [Relative] was going to be staying at Tower Hill on a short-term or long-term basis; Roben Hall should have still notified DHS.

¹² DHS Policy Manual § 18-04-00.

¹³ DHS Policy Manual § 04-05-04. There are exceptions to this policy that are not applicable here. *Id.*

nursing home as of September 3, 2015, failed to notify DHS of this fact, and continued to spend [Relative's] SNAP benefits.

Roben Hall claimed that she had no duty to notify DHS of [Relative's] change of address. She is incorrect; as the authorized representative, she should have notified DHS of a change in address. Further, while she argued that she had no duty to notify DHS because she believed [Relative's] stay at Tower Hill was temporary and would not impact [Relative's] SNAP eligibility, she is again incorrect. DHS policy makes no such distinction between a temporary or permanent stay, and any resident of an institution providing a majority of their meals is not eligible for SNAP benefits. Further, as a Caseworker who processed applications for SNAP benefit redeterminations, Roben Hall should have known of the importance to notify DHS of any changes so that DHS could make an independent assessment as to whether SNAP eligibility. Roben Hall not only failed to notify DHS of [Relative's] placement in a nursing home, she continued to use benefits that [Relative] was not entitled to.

Accordingly, the allegation that Roben Hall failed to notify DHS that [Relative] moved into a nursing home is **FOUNDED**.¹⁴

V. FINDING & RECOMMENDATIONS

After due investigation, the OEIG issues the following finding and recommendations:

- **FOUNDED** – Roben Hall violated DHS policy when she failed to notify DHS that [Relative] moved into a nursing home.

The OEIG recommends that DHS recoup the funds that Roben Hall improperly used and reevaluate whether she should continue acting as [Relative's] approved representative. Because DHS has terminated Roben Hall, the OEIG also recommends that it place a copy of this report in her permanent file.

¹⁴ The OEIG concludes that an allegation is “founded” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

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

Date: January 21, 2016.

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington St., Suite 3400
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Ajay Alexander
Assistant Inspector General # 159

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Bruce Rauner, Governor

James T. Dimas, Secretary-designate

February 2, 2016

*Via e-mail to Fallon Opperman, Deputy Inspector General and Chief of Chicago Division,
on behalf of:*

Maggie Hickey

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: Response to the Final Report for Complaint 15-02105

Dear Executive Inspector General Hickey:

This letter responds to the Final Report for Complaint Number 15-02105, attached. The Report essentially details how a Department of Human Services (DHS) employee, Roben Hall, improperly obtained Supplemental Nutrition Assistance Program (SNAP) benefits for her [relative]. It made several recommendations.

The recommendations are being followed. Specifically, the recoupment process has started, with DHS establishing the overpayment. In addition, the Report has been placed in her personnel file. While Ms. Hall was terminated, that action has been grieved. A hearing date has not yet been set, but it is anticipated for later this month.

As you know, the Collective Bargaining Agreement specifies a process for discipline, including termination. The process could include several review periods, before any final action can be taken. As you probably know, the process could take some time for resolution. The Department will provide you updates as the process moves along.

If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,


James T. Dimas
Secretary-designate



Bruce Rauner, Governor

James T. Dimas, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

September 12, 2016

*Via e-mail to Fallon Opperman, Deputy Inspector General and Chief of Chicago Division,
on behalf of:*

Maggie Hickey

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: Final Report Response Update for Complaint 15-02105

Dear Executive Inspector General Hickey:

This letter updates you regarding the Final Report for Complaint Number 15-02105. As previously indicated, the Department of Human Services (DHS) imposed discipline against Ms. Hall. The grievance process has completed. The grievance resolution was that she was returned to work effective August 16, 2016, with a time served suspension—a 250 day suspension.

With the personnel action complete, DHS considers this matter closed with respect to your office. The collection activities will continue as a matter of course. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

James T. Dimas
Secretary

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EXECUTIVE ETHICS COMMISSION

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: ROBEN HALL

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#15-02105

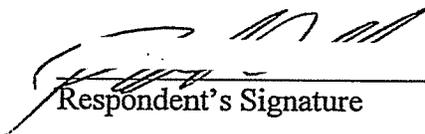
EXECUTIVE ETHICS COMMISSION

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

Below is my public response. Please make this response public if the summary report is also made public; or

Below are my suggestions for redaction. I do not wish for these suggestions to be made public.


Respondent's Signature

10/10/16
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

Please See Attached 3 pages

ROBEN HALL'S RESPONSE TO OEIG REPORT

I. INTRODUCTION

Roben Hall, Lesbian and person with disabilities, has filed grievances and complaints against [Employee 1] for holding [Relative] and Roben Hall, Lesbian with a disability, to higher standards and inequitable treatment. All filed, repeatedly, the entire year prior to OEIG complaint and provided to OEIG during the investigation.

II. BACKGROUND

- a. Policy PM 04-05-04 **Residents of Institutions** "a hospitalized person is not a resident of an institution. A hospitalized person remains a member of the SNAP unit until the unit reports that the person will not return home."
- b. Policy PM 18-04-00 **Changes in SNAP unit** "Applicants are to report all changes at the eligibility interview. A change that happens after the eligibility interview and before the notice of decision must be reported within 10 calendar days after the date of the notice."
- c. Policy PM 18-04-03 **Cooperation in Verifying Unclear Information or Unreported Changes** "SNAP clients must cooperate in verifying unclear information, or unreported changes discovered by the Department. Allow the unit 10 calendar days from the date of written request to provide the required verifications."

III. INVESTIGATION UNCOVERIES

a. Admission

- i. Per Tower Hill's own admission, [Relative] was not considered a permanent resident until 10/23/16. Prior to said date, [Relative] was in short term rehabilitation status with the anticipation of going home.
 1. Per PM 04-05-04, customer remains SNAP eligible and change is not required to be reported until 10 days from 10/23/16.
 2. Per OEIG's own findings, such change was reported on 10/23/16 – date of change.
 3. Any purchases made prior to 10/23/16 are within SNAP policy guidelines as [Relative] was to return home until said date per policy PM 04-05-04.
- ii. Per Tower Hill's own admission, [Relative] was not at Tower Hill on 09/02/16 as the Department alleges.
- iii. OEIG was provided documentation showing [Relative] was still at Hospital on 09/02/16 – meaning the information provided to the Department was inaccurate.
 1. Per PM 18-04-03, [Relative] and Roben Hall, authorized representative, were **required** to be afforded 10 days to verify alleged "unreported" change through written request. Such was not done.

2. The Department and [Employee 1] did not adhere to Department's own policy PM 18-04-03.
3. The Department took action – based on incorrect information - on a case without any permission from the [Relative] or authorized representative, Roben Hall, without any attempt to contact either the [Relative] or authorized representative, Roben Hall.
- iv. OEIG shared with Roben Hall the document the Department claimed as proof [Relative] was at Tower Hill on 09/02/16. Date of said notification – which was NOT previously shared with Roben Hall – was 09/21/16. Per policy PM 18-04-00 [Relative] has 10 days from date of notice. Any change reported with a date of 09/21/16 do not need to be reported until 10/01/16; at which time, the Department is required to allow 10 calendar days to cooperate with any alleged unreported change –per policy 18-04-03. This would push the date to 10/12/16 excluding holiday extensions of 10 day timeline– assuming the Department was processing information for the entire office timely. As an employee, Roben Hall can, and did, attest that the office is not timely on the processing of other cases – indicating inequitable treatment.

b. Investigation regarding DHS [Employee 1]

- i. OEIG was informed by both parties during the call on 10/23/16 between [Employee 1] and Roben Hall that [Employee 1] admitted [Relative's] case was transferred from [Relative's] local office on 10/13/16 to Medical Field Operations. ** [Employee 1's] contact with Tower Hill on 10/21/16 needs to be investigated for possible HIPPA and ethical violations as the case was no longer under the jurisdiction of [Employee 1] **.
- ii. [Employee 1] has admitted to contacting Tower Hill after the case was no longer under [Employee 1's] jurisdiction – meaning no legal standing exists for any shared information (including, but not limited to, treatment, admission, and reason for associations with facility, etc.) between [Employee 1] and Tower Hill.
- iii. [Employee 1] has admitted to revoking SNAP benefits without allowing [Relative] or authorized representative the required 10 calendar days to cooperate with alleged unreported change per policy PM 18-04-03.
- iv. Per OEIG report, [Employee 1] was questioned 12/14/15, yet Roben Hall was terminated for alleged ethical violations on 12/08/15. In other words, [Employee 1] took action prior to the completion of the OEIG investigation to determine if any ethical violation actually occurred.

IV. ANALYSIS

The Department did not follow policy and procedures in regards to [Relative's] case. Due to Roben Hall's status of State Employee, [Relative's] case was held to standards that are NOT even outlined in policy. The added information that [Employee 1] has had complaints that the Lesbian with disabilities, Roben Hall, has been held to inequitable standards prior to disregarding adhering to DHS's own policies in regards to [Relative's] case leads to the need to review the

possible ethical and HIPPA violations by [Employee 1] that have already been presented to OEIG. As all information was provided to OEIG during the course of current investigation, there appears to be no justification to any lack of action by OEIG.

V. FOLLOW-UP OF FINDINGS

a. Termination Overturned

- i. Roben Hall's termination has been revoked and Roben Hall has been reinstated to the same position prior to the wrongful termination.
- ii. Roben Hall was given a "time served" suspension as Roben Hall's representative's stated they chose to not fight to clear Roben Hall's name – without any agreement on Roben Hall's part.

b. Over-Payment NOT Affirmed

- i. The overpayment was NOT affirmed as the Department determined there was no wrong doing on behalf of the [Relative] or Roben Hall, authorized representative.
- ii. The Department then refused to give a new LINK card to the [Relative] and authorized represented/guardian, Roben Hall, despite losing the request for an overpayment.
- iii. An appeals officer has to write a letter (dated 07/01/16) demanding the Department follow policy and provide the card so [Relative] can use the SNAP benefits to which the [Relative] was entitled.
- iv. All benefits and active card has been reinstated to [Relative] and authorized representative/guardian, Roben Hall.

c. This matter is not determined as "closed" by Respondent Roben Hall.


10/10/16
Roben B. Hall

DHS Human Service Caseworker