

OIG ' Fraud' Campaign

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Who's scamming who?

The USPS Office of Inspector General recently launched a "Workers' Compensation Fraud Campaign." In typical OIG fashion, one of its strategies involves demonizing injured workers by having an actor posing as a postal employee cheerfully brag about cheating the Workers' Comp program.

No one, of course, should be permitted to cheat the injury-compensation system. The system exists to provide benefits to employees who have sustained legitimate injuries while on duty. But OIG ignores the fact that less than 0.3 percent of the tens of thousands of Postal Service employees who get hurt while on the job are ever found guilty of defrauding the system. In fact, OIG's most recent semi-annual report acknowledges that they had arrested only 18 people for claimant fraud. It's simply unwarranted and unacceptable for the OIG to create a national campaign that smears injured workers by implying that so many are trying to scam the system.

One has to wonder whether it's the OIG itself *that is guilty of scamming the USPS*. In Fiscal Year 2009, the OIG was appropriated \$239.3 million in Postal Service funds from which, at its own admission, OIG "commits significant resources toward identifying claimants who defraud the system." With well over 99 percent of the injured workforce proving to be honest and lawful regarding Workers' Comp, how can OIG — an agency that is also responsible for combating waste and abuse — be exonerated from the very obligations it is commissioned to uphold?

Protect Yourself

Workers' compensation fraud is a serious crime. Admission of guilt and actually being found guilty are one and the same: Offenders are branded as criminals.

Upon conviction, offenders are subject to repayment of benefits, fines, jail time in a federal facility, and removal. All too often, it is a simple lack of understanding as to what constitutes fraud that can place an employee in peril. So, as the OIG presses on in its campaign against injured workers, it is important to remember that the medical restrictions that apply at work also apply during personal life, i.e., at home, while shopping, driving, taking care of personal and family matters, and during recreational activities. The rule of thumb is that if you can't do it at work, you can't do it anywhere.

It is also important to remind employees to work within their restrictions. If physical capabilities have improved or worsened, employees should get their doctors to document the change in restrictions. Additionally, doctors who permit activities for therapeutic reasons should also include this information — along with the treatment rationale — in the employee's medical record.

Disclosure and Your Rights

Treating physicians should be made aware that they are not required to disclose any information regarding a medical condition to OIG agents unless there is a court order requiring such disclosure.

If confronted by OIG agents, it is important for employees to know their rights. Many agents are on a mission to prove their worth, and they can be conniving. Employees are entitled to have a representative present and should remain silent until they have consulted with their steward or legal counsel — even when they are certain they aren't guilty of any wrongdoing.

During investigatory interviews, union representatives may attempt to clarify facts and information, ask the purpose of an interview, or help an employee articulate a response or explanation.

When there are legal issues that need to be addressed, and/or an employee is the subject of a criminal investigation, it is absolutely appropriate for the employee to remain silent and to decline to sign any statements or fill out any forms until after legal counsel has been consulted.

APWU Industrial Relations Director Greg Bell has written two very informative articles detailing the rights of employees when they are confronted by Postal Inspectors or OIG agents. The articles first appeared in the Nov./Dec.2005 and May/June 2006 issues of this magazine