



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
September 28, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that New York State Department of Labor (DOL) Mail and Supply Clerk Tina Jackson submitted numerous forged medical documents to DOL in order to excuse her absences from work for purported medical reasons. The Inspector General referred this matter to the Albany County District Attorney for consideration of potential criminal prosecution, the Commission on Public Integrity for consideration of a possible violation of the state's ethics laws, and to DOL for appropriate disciplinary action.

ALLEGATION

The Inspector General received a complaint from the DOL that Mail and Supply Clerk Tina Jackson had on numerous occasions submitted what appeared to be fraudulent medical documents to excuse her absences from work for alleged medical reasons.

SUMMARY OF INVESTIGATION

The New York State Department of Labor maintains a mail room at its central office at the Harriman State Office Campus in Albany. Mail and Supply Clerk Tina Jackson has been employed by DOL at the State Office Campus since February 2002. Jackson is responsible for the clerical and manual activities involved in the processing and delivery of in-coming and out-going letters and packages.

Jackson's personnel record contains reference to numerous counseling sessions for excessive use of sick leave. The first such counseling session was held just 10 months after Jackson's hiring at DOL. In addition, the file contains six counseling memos related to the same matter. Due to Jackson's excessive use of sick leave, the counseling memos required Jackson to submit medical documentation when absent for purported sickness or when using other leave accruals in lieu of sick leave.

As required by the DOL counseling memos resulting from her excessive prior use of sick leave, Jackson submitted nine medical leave letters purportedly issued by medical doctors in the emergency room at Seton-Health Hospital Center/St. Mary's Hospital in Troy on various dates spanning December 2002 to January 2009. The letters, written on Seton Health emergency room template forms, require the treating doctor to write the

patient's name, date examined in the emergency room, and date the patient may return to work, and include the doctor's signature. The nine letters Jackson submitted purport that Jackson's absence from work was excused for medical reasons for all or part of 18 dates, totaling 117.75 hours. On several of the dates when Jackson submitted these letters, her accrual balance was minimal or nothing. Of note, although some of the letters contained a typical signature, most bore a "signature" which consisted of a similar wavy line topped by a dot.

The Inspector General obtained and reviewed documentation which Jackson submitted to DOL to support her use of sick leave and attempted to confirm the authenticity of these documents with the purported issuing medical providers. The nine documents were shown by the Inspector General to the Seton/St. Mary's Medical Records Director and an Emergency Medicine Administrative Assistant to review. In a sworn affidavit, the two hospital administrators averred that the documents were not authentic, had not been generated by the hospital, and had not actually been signed by any staff members.

Jackson also submitted two medical leave excuses to DOL to support her use of sick leave during the period August 23-27, 2007 (22.5 hours) and on October 15, 2007 (7.5 hours). The documents were ostensibly handwritten notes on the letterhead of a medical doctor located in Troy, and they advised that Jackson be excused from work for medical reasons. The first was purportedly signed by the doctor's nurse, while the second contained the signature of the doctor, which appeared similar to the aforementioned wavy line.

The Inspector General presented the two documents to the Troy medical doctor listed on the letterhead. The doctor averred in a sworn affidavit that the documents were not generated by his office, he had no record or recollection of the visits ever taking place, and the signatures on the documents were neither his nor any office representative's, and not produced by anyone authorized to sign his name. Indeed, the doctor and his medical secretary reported that Jackson was not even a patient of this office.

To support her absences on four days in 2009, Jackson submitted an additional medical leave excuse ostensibly written by a medical doctor in Watervliet. The document, a type-written note seemingly on the doctor's letterhead and bearing his signature, sought to have Jackson excused from work for medical reasons from August 11, 2009, through August 14, 2009 (30 hours). In addition, Jackson provided DOL with two other similar documents purportedly from this doctor. The first read, "Tina Jackson was seen in my office on Tuesday August 18, 2009 and may return to work on Tuesday [sic] August 19, 2009," while the second read, "Due to [medical condition], Tina Jackson may be late for work some mornings." All were "signed" with a sinuous wavy line topped by a dot. Despite the latter notes, Jackson, who at this point only maintained a combined leave accrual balance of a quarter-hour, was present at work on August 18, and 19, 2009.

The three documents were presented by the Inspector General to the Watervliet medical doctor who had purportedly written the leave excuses. This doctor too averred in a sworn affidavit that the documents were not created by his office, he had no record or recollection of the visits ever taking place, and the signatures on the documents were neither his nor any office representative's, and not produced by anyone authorized to sign his name.

Jackson declined to be voluntarily interviewed by the Inspector General.

The forged medical documentation Jackson submitted in order to improperly utilize sick leave covered 177.75 hours. Jackson did not actually receive salary for 115.5 of these hours because DOL placed her on leave without pay. Of the remaining 62.25 hours, for unknown reasons, Jackson also utilized 16.25 hours in annual leave hours and 9.00 hours in personal leave. Even affording Jackson the benefit of the doubt regarding the propriety of the use of annual and personal leave in this situation, Jackson received salary for 37 hours based upon her fraudulent submissions, amounting to \$472.36 in illegitimate salary payment to her.

Jackson's conduct appears to constitute the crimes of, among other offenses, Offering a False Instrument for Filing in the First degree (Penal Law § 175.35); Forgery in the Second Degree (Penal Law § 170.10(2)); and Petit Larceny (Penal Law § 155.25). Additionally, Jackson's conduct appears to implicate the state's ethics guidelines including the admonishment that an officer or employee of a state agency "should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust." Therefore, the Inspector General forwarded a copy of this report to the Albany County District Attorney's Office for consideration of potential criminal charges and the New York State Commission on Public Integrity, which has jurisdiction to adjudicate violations of Public Officers Law § 74. The Inspector General also recommended that DOL pursue appropriate disciplinary action against Jackson.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that New York State Department of Labor Mail and Supply Clerk Tina Jackson submitted numerous fraudulent medical documents to DOL in order to improperly excuse her absences from work for purported medical reasons. The Inspector General referred this matter to the Albany County District Attorney for review, the Commission on Public Integrity for consideration of possible violations of Public Officers Law § 74(3)(h), and to DOL for appropriate disciplinary action.

In response to the Inspector General's report, DOL advised that it will complete an internal investigation as part of its disciplinary process.