

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



**AGENCY: OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**  
**FILE ID NO.: 2011-078**  
**DATE OF REPORT: APRIL 24, 2012**

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*“Safeguarding integrity in state government”*

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**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2011-078

**AGENCIES:** Ohio Department of Job and Family Services  
(ODJFS)

**BASIS FOR INVESTIGATION:** ODJFS Chief Inspector Referral

**ALLEGATION:** Unauthorized Access of Confidential Personal  
Information

**INITIATED:** April 20, 2011

**DATE OF REPORT:** April 24, 2012

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

The Office of the Ohio Inspector General received a referral from the Ohio Department of Job and Family Services (ODJFS) Chief Inspector's Office. The ODJFS Chief Inspector's Office alleged an ODJFS employee improperly accessed the confidential personal information of a former ODJFS employee through the Ohio Job Insurance program. A preliminary investigation conducted by the ODJFS Chief Inspector's Office determined former ODJFS employee Glenda Hain's confidential personal information records had been accessed by two department customer service representatives in March 2011.

On April 20, 2011, the Office of the Ohio Inspector General, in conjunction with the Ohio State Highway Patrol (OSHP), initiated an investigation into this matter.

## **BACKGROUND**

### *Ohio Department of Job and Family Services*

The Ohio Department of Job and Family Services is responsible for developing and supervising the state's public assistance, workforce development, unemployment compensation, child and adult protective services, adoption, child care and child support, and the administration of Ohio's Medicaid program. ODJFS customer service representatives process applications for unemployment compensation benefits, process claims; answer telephone inquiries, and conduct interviews with customers, employers, or their agents. The Ohio Department of Job and Family Services' Office of Unemployment, Special Claims Unit processes employment claims for the military, federal civilian employees, and ODJFS employees.

ODJFS maintains numerous databases which support the department's operations. These databases contain the confidential personal information of clients who apply for or receive ODJFS benefits. Only authorized employees have access to the confidential personal information. The level of access to ODJFS databases containing confidential personal information is determined by the scope or relevance of each employee's assigned job duties. Specifically, having authorization to access confidential personal information databases does not necessarily provide the authority to access all confidential personal information.

### *ODJFS Policies*

Employees of the Ohio Department of Job and Family Services must comply with the following agency policies regulating proper access to confidential personal information and computer usage:

- **IPP.005 – Processing of ODJFS Work Actions.** Section VI.B states, “ODJFS employees shall not, on a normal basis, process any ODJFS work actions [including claims] for themselves, relatives, co-workers or friends.” **(Exhibit 1)**
- **IPP.10002 – Computer and Information Systems Usage.** Section VI.C states ODJFS employees are prohibited from using any computer system for illegal purposes. **(Exhibit 2)**
- **IPP.0003 – Standards of Employee Conduct.** This policy states that ODJFS employees shall only use government property, including computer systems, for official purposes and are not to conduct illegal activities during working hours. **(Exhibit 3)**

### *Confidential Personal Information*

Ohio Revised Code (ORC) §1347.15 defines “confidential personal information” as information that is not a public record and requires all state of Ohio departments and agencies that maintain confidential personal information databases adopt rules regulating and securing access.

Furthermore, it provides for the right to bring legal action against any individual who directly or indirectly causes harm when violating the data access policy of any agency.

As stated in ORC §1347.99(B), it is a misdemeanor to intentionally access, use, or disclose an individual’s confidential personal information in a manner prohibited by law.

All ODJFS employees, including customer service representatives, who have access to any of the department’s confidential personal information databases are specifically trained on all applicable statutes, rules, and policies governing their access to confidential personal information. ORC §1347.15 states:

Each state agency shall establish a training program for all employees of the state agency described in division (B)(1) of this section so that these employees are made aware of all

applicable statutes, rules, and policies governing their access to confidential personal information.

### **INVESTIGATIVE SUMMARY**

On April 26, 2011, members of the Ohio State Highway Patrol and the Office of the Ohio Inspector General interviewed Glenda Hain. Hain was hired by ODJFS on January 19, 2010, as an intermittent unclassified customer service representative. Hain was assigned to the ODJFS Chillicothe Service Center and worked at the ODJFS Cincinnati Call Center. Three months after she was hired, Program Delivery Supervisor Brian Nelson became Hain's supervisor. In May 2010, and again in January 2011, Hain was involved in verbal altercations with co-workers. Due to these incidents, on February 7, 2011, Nelson informed Hain that she was being removed from her position, effective at the close of business the following day – February 8, 2011. Hain immediately filed for unemployment compensation. On April 1, 2011, Hain learned her unemployment compensation claim had been denied on March 4, 2011. Hain reported that a former ODJFS co-worker told her Nelson boasted that he prevented Hain from collecting unemployment compensation and referred to Hain in derogatory terms.

After learning of these comments, Hain said she was convinced Nelson had accessed her confidential personal information, and she filed a complaint with the ODJFS Chief Inspector's Office. During the course of the April 26 interview, Hain was informed of the identities of the two customer service representatives who accessed her personal confidential information at Nelson's request, Kathy Webb and Jason Rittenhouse. Hain stated she did not know them.

On April 26, 2011, the Office of the Ohio Inspector General and Ohio State Highway Patrol interviewed Hain's former ODJFS co-worker. The co-worker stated they had overheard Nelson say, "She [Hain] filed charges against me, I'm glad I fired her," but denied hearing Nelson say anything derogatory about Hain. Although Hain was a good worker, the former co-worker stated she could be difficult at times, and it appeared that Hain contacted Nelson regularly for consultation and direction. "If Glenda had a choice between a black or blue pen, she would call Brian to see which one to use," said Hain's former co-worker.

On April 27, 2011, Customer Service Representative Kathy Webb was interviewed. Webb stated she did not know Hain and did not recall anything significant regarding Hain's confidential personal information. Webb did not refute that she accessed Hain's confidential personal information; however, Webb could not remember executing the task. Webb noted that Nelson was not her supervisor and she did not know him personally. She acknowledged that she knew him by name, as a Chillicothe Service Center supervisor.

On April 28, 2011, the Office of the Ohio Inspector General and the Ohio State Highway Patrol interviewed Customer Service Representative Jason Rittenhouse. He stated he did not know Glenda Hain, but that Nelson directed him to access Hain's unemployment compensation screen. Rittenhouse stated that by the manner in which Nelson phrased the request, Rittenhouse knew that the inquiry was about a former ODJFS employee. Rittenhouse stated that he was aware the ODJFS Special Claims Unit handled all former employee inquiries, so he logged his access of confidential personal information, recording Nelson's request,<sup>1</sup> in case there were any questions from his superiors resulting from the inquiry.

On April 28, 2011, and May 12, 2011, the Office of the Ohio Inspector General and the Ohio State Highway Patrol interviewed Brian Nelson. Nelson stated that on February 7, 2011, he informed Customer Service Representative Glenda Hain that she was being removed from her position, effective close of business on February 8, 2011, as a result of repeated verbal altercations with co-workers.

Nelson reported that on February 14, 2011, he received an email requesting he complete a fact-finding report on the events concerning Hain's removal, which was returned to the ODJFS Human Resources Bureau later the same day. However, Nelson did not make his requests for Webb and Rittenhouse to access Hain's unemployment claim files on the ODJFS servers until March 1, and March 28, 2011, respectively.

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<sup>1</sup> ODJFS requires employees to log all confidential personal information inquiries on all third-party requests.

Nelson stated that he directed Webb and Rittenhouse to access Hain's unemployment claim files on the ODJFS servers to determine if ODJFS Human Resources Bureau had received a fact-finding report relating to Hain's appeal. **(Exhibit 4)** Nelson noted that although he had access to some of Hain's confidential personal information, he did not have access to unemployment information. Nelson admitted that he occasionally requested customer service representatives to access unemployment information for him. Nelson stated that Customer Service Representative Webb was not aware that his confidential personal information request involved a former ODJFS employee.

During the course of his interview, Nelson confirmed he was aware of the ODJFS Special Claims Unit and its purpose and responsibilities. Even though Nelson received training on ODJFS policies and procedures on the management of confidential personal information on October 19, 2010, Nelson did not view accessing a former employee's confidential personal information as improper, but rather he was verifying that ODJFS Human Resources Bureau had received the fact-finding report on Hain.

On May 11, 2011, the Office of the Ohio Inspector General interviewed Beth Brannigan, regional coordinator for ODJFS and Brian Nelson's supervisor. Brannigan stated she was unaware that Nelson had asked Webb and Rittenhouse to access Hain's confidential personal information. However, Brannigan said she knew of Hain's removal and ODJFS Human Resources Bureau's request to complete a fact-finding report pertaining to Hain's unemployment case. Brannigan noted that on February 14, 2011, she forwarded the fact-finding report on Hain via email to the ODJFS Human Resources Bureau and copied Nelson on the email so he would be aware the report had been submitted. **(Exhibit 5)** Brannigan noted that she viewed Hain's removal and subsequent fact-finding request as ODJFS Human Resources issues, and not a matter for Nelson to track.

During the interview, Brannigan said Nelson did not seek direction or procedural guidance on departmental policies and practices. Brannigan recalled an incident where she asked Nelson to

speak to an employee about a conduct issue and instead of following her instructions and proper protocol, Nelson reprimanded the employee.

## **CONCLUSION**

Glenda Hain, an ODJFS intermittent unclassified employee, was removed from employment on February 7, 2011, by her supervisor, Brian Nelson, effective February 8, 2011. Hain immediately applied for unemployment compensation, and on April 1, 2011, Hain discovered her unemployment compensation claim had been denied on March 4, 2011. After speaking to a former ODJFS co-worker, Hain believed Nelson had accessed her confidential personal information and helped facilitate the denial of her unemployment compensation claim. Hain filed a complaint with the ODJFS Chief Inspector's Office alleging Nelson had improperly accessed her confidential personal information.

Brian Nelson had direct involvement in Glenda Hain's removal and subsequent unemployment claims process. The ODJFS Chief Inspector's Office confirmed Hain's confidential personal information had been accessed, at Nelson's direction, by customer service representatives Kathy Webb and Jason Rittenhouse. On April 20, 2011, the ODJFS Chief Inspector's Office referred the matter to the Office of the Ohio Inspector General.

A joint investigation by the Office of the Ohio Inspector General and the Ohio State Highway Patrol found ODJFS's Human Resources Bureau requested a fact-finding report from Nelson concerning Hain's unemployment compensation claim. On February 14, 2011, Nelson completed the report and sent it to his supervisor, whereafter it was forwarded to both the ODJFS Human Resources Bureau and to Nelson.

During his interview, Nelson admitted that on March 1, 2011, and March 28, 2011, he instructed the two customer service representatives to access Hain's confidential personal information. As part of his job duties, it was not unusual for Nelson to make these types of inquiries. Nelson had access to some confidential personal information, but not the particular confidential personal information he requested from the two customer service representatives. Furthermore, only the

employees of the ODJFS Special Claims Unit are permitted to access former ODJFS employee inquiries. As Nelson did not work for the ODJFS Special Claims Unit, he had no authority to access Hain's confidential personal information.

Nelson stated he instructed the two customer service representatives to access the information in order to confirm ODJFS Human Resources Bureau had received his report. Nelson added that he did not seek guidance from Brannigan regarding the appropriateness of this action. Nelson denied boasting about preventing Hain from receiving unemployment compensation benefits or calling her derogatory names.

The Office of the Ohio Inspector General's investigation found Brian Nelson had no legitimate reason to access Glenda Hain's confidential personal information. Nelson committed acts of wrongdoing when, without proper authorization, he directed two customer service representatives to access Glenda Hain's confidential personal information.

**Accordingly, there is reasonable cause to believe a wrongful act or omission occurred in this instance.**

### **RECOMMENDATIONS**

The Office of the Ohio Inspector General makes the following recommendations and asks that the Ohio Department of Job and Family Services respond within 60 days with a plan detailing how these recommendations will be implemented:

- 1) Take appropriate administrative action against Brian Nelson for violations of applicable ODJFS policies and procedures.
- 2) Review ODJFS policies and procedures with Brian Nelson, addressing each employee's responsibilities to properly manage confidential personal information. All employees should sign a written acknowledgement stating that he or she understands the meaning of, and agrees to abide by, all ODJFS policies and procedures.

## **REFERRALS**

On February 22, 2012, The Office of the Ohio Inspector General, in conjunction with the Ohio State Highway Patrol, filed criminal charges against Brian Nelson with the Chillicothe Municipal Court. Nelson was charged with breaking the access rules for confidential personal information, a violation of ORC 1347.15 (H) (1). The matter is pending court action in the Chillicothe Municipal Court.



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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Job and Family  
Services**  
**FILE ID #: 2011-078**

**KEEPER OF RECORDS CERTIFICATION**

**This is a true and correct copy of the report which is required to be prepared  
by the Office of the Ohio Inspector General pursuant to Section 121.42 of the  
Ohio Revised Code.**

**Jill Jones**  
**KEEPER OF RECORDS**

**CERTIFIED**  
**April 24, 2012**

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