

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.: 2013-CA00092
DATE OF REPORT: AUGUST 14, 2014

The Office of the Ohio Inspector General ... The State Watchdog

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Randall J. Meyer
Ohio Inspector General



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2013-CA00092

SUBJECT NAME: Carrie (Morgan) Menser

POSITION: Customer Service Representative

AGENCY: Ohio Department of Job and Family Services

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: CPI Violations

INITIATED: November 27, 2013

DATE OF REPORT: August 14, 2014

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received a complaint from the Ohio Department of Job and Family Services (ODJFS) alleging that ODJFS Office of Local Operations employee Carrie Menser accessed an individual's unemployment claim multiple times with no business reason.

ODJFS received information on September 27, 2013, alleging that Carrie (Morgan) Menser accessed her boyfriend's unemployment claim multiple times since the summer of 2012 and changed the password on his account. ODJFS confirmed that Menser accessed the claim on numerous occasions.

On November 26, 2013, the Office of the Ohio Inspector General opened a preliminary inquiry into the matter to determine jurisdiction. Menser is a customer service representative at the Summit County One Stop at 1040 East Tallmadge Avenue, Akron, Ohio. Although many of the employees of the Summit County One Stop are employed by the county, Menser is employed by the State of Ohio and therefore falls under the jurisdiction of the Office of the Ohio Inspector General.

On December 2, 2013, the Office of the Ohio Inspector General, in conjunction with the Ohio State Highway Patrol (OSHP), initiated an investigation into this matter.

BACKGROUND

The Ohio Department of Job and Family Services is responsible for developing and overseeing adoption, child care, child and adult protective services, child support, public assistance, unemployment compensation, and workforce development programs. Most of these programs are supervised by ODJFS with county and other local agencies administering the programs. The majority of the programs are federally mandated and funded. The director of ODJFS is appointed by the governor and confirmed by the Ohio Senate. The Ohio Department of Job and Family Services is funded through General Revenue Funds, federal funds, and fees charged for services performed.¹

¹ Biennial budget documents.

The Office of Unemployment Compensation administers programs and provides services related to unemployment insurance. Unemployment Compensation also includes the Office of Local Operations. This office is responsible for processing unemployment claims through call and processing centers located throughout the state and also delivers Trade Adjustment Assistance services.²

Ohio Job Insurance (OJI) is an online system that administers unemployment compensation benefits. This administration includes: accepting and processing unemployment claims, maintaining employer records, determining monetary and non-monetary eligibility, requesting separation information, issuing determinations, charging employers, charging the mutual account, processing appeals and issuing re-determinations.³

Applicable Laws and Policies

Ohio Revised Code (ORC) §1347.15 (B) requires each state agency to adopt rules in accordance with Chapter 119 of the Revised Code which regulates access to the confidential personal information (CPI) the agency maintains, whether electronically or on paper. The rules must incorporate criteria that determine which employees of the agency may access, and which supervisory employees of the agency may grant those employees access to, confidential personal information. These rules must include a list of valid reasons when employees of the agency are permitted to access confidential personal information.

To comply with this requirement, ODJFS implemented the following policies, which were reviewed as part of this investigation:

IPP 3925. Data Access Policy which defines “access” as copying, viewing or otherwise perceiving. ([Exhibit 1](#)) The policy states, in part:

... any access to and use of CPI that is collected and maintained by ODJFS is strictly limited to those purposes authorized by ODJFS, and as directly related to the system user’s official job duties and work assignments for, and on behalf of,

² Biennial budget documents.

³ jfs.ohio.gov/omis/

ODJFS and/or a federal oversight agency. Some examples of when accessing CPI is prohibited include, but are not limited to, access that results in personal or political gain, and commercial use unrelated to official departmental business.

The policy lists several valid reasons for accessing CPI including, but not limited to:

- Responding to public records requests, when public records are comingled with CPI, or records requests made by the individual for his/her own CPI;
- Program administration, including compliance with federal/state laws and regulations, processing or payment of claims, eligibility determinations, audits, investigations and oversight, licensing and certification, and administrative hearings.

IPP.3922. Code of Responsibility ([Exhibit 2](#)) requires all ODJFS system users to complete the *JFS 07078-ODJFS Code of Responsibility* which states:

... any access to information about recipients of ODJFS benefits or services, or about ODJFS employees, that is collected and maintained on ODJFS or state computer systems is strictly limited to those purposes authorized by ODJFS, and as directly related to the system user's official job duties and work assignments for, and on behalf of, ODJFS and/or a federal oversight agency.

IPP.0005. Processing of ODJFS Work Actions policy prohibits ODJFS employees from processing any ODJFS work actions for themselves, relatives, co-workers, or friends. ([Exhibit 3](#))

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General requested and reviewed several documents from ODJFS including, but not limited to:

- Claimant's PIN and payment history;
- Claimant's weekly continued claim submission history log;
- A log of Menser's access to the claimant's claim;
- ODJFS policies and Menser's acknowledgements;
- Menser's position description;

- A copy of a subpoena issued to U.S. Bank for the claimant's unemployment compensation debit card account records and the response.

A review of Menser's accesses to the claimant's claims revealed that Menser accessed the claimant's claim in OJI using her ODJFS computer on 22 occasions from May 10, 2012, through January 22, 2013. ([Exhibit 4](#)) Menser accessed the claimant's account using her user-based privileges as a customer service representative at the Summit County One Stop.

During an interview conducted by the OSHP on November 20, 2013, at the Richland Correctional Institution, the claimant indicated during 2012, he had a relationship with Menser,⁴ who he had known for more than a year. The claimant stated that he had a 2008 warrant for his arrest for parole violations and in December 2012, while at a restaurant with Menser, she called the police and reported his location, at which time the claimant was arrested and taken to the Summit County Jail.

The claimant confirmed that prior to his arrest on December 6, 2012, he was receiving unemployment compensation benefits through ODJFS. The claimant stated that he never asked Menser to "check" on his account, but acknowledged that Menser did access his account one time and changed his password without his consent. The claimant stated that Menser was the only person who knew all his information that would be needed to access his account. The claimant indicated that Menser had possession of his U.S. Bank ReliaCard Visa debit card⁵ and may have collected his unemployment compensation while he was incarcerated. The claimant stated that he never gave Menser permission to use his ReliaCard.

On March 5, 2014, the Office of the Ohio Inspector General and the OSHP met with Doug Elliott, Summit County adult probation officer. Elliott provided the claimant's case summary which revealed that from December 6, 2012, through January 21, 2013, the claimant was incarcerated at the Summit County Jail. Elliott stated that on January 21, 2013, the claimant was

⁴ Claimant was released from the Richland Correctional Institution on January 30, 2014.

⁵ ODJFS offers two methods of payment. One is direct deposit into a checking or savings account and the other is to have payments automatically deposited to the U.S. Bank ReliaCard.

sent to the Oriana House⁶ to complete his sentence in a work release program. The claimant remained at the Oriana House until February 5, 2013. The claimant's case summary showed that on February 28, 2013, through March 7, 2013, he was incarcerated in the Glenwood Jail.

On December 11, 2013, during an interview conducted by the Office of the Ohio Inspector General and the OSHP, Menser stated that she, "... got him [the claimant] on a UCRS⁷ list to schedule him. And he was scheduled for REA."⁸ Menser continued, "... so I just looked up to see what was going on. That's pretty much it." Menser admitted during the interview to accessing the claimant's account "... a couple of times," but noted that she did not do anything and "cannot touch" the claim screens. Menser then stated,

... so I just pretty much looked 'cause he I um ---well, then I was getting calls 'cause he's gone so he shouldn't be collecting. And that was more of the ---when I looked it up because I was trying to let him know someone was still trying to claim on his ... 'Cause he kept getting the letters in our mailbox.

Menser was asked about the 22 accesses she made to the claimant's account. Menser responded,

I was just looking to see what was going on with his stuff 'cause someone's claiming his stuff. Like because I'm getting letters in the mail. He's in ---away. So he can't respond, he can't call no one, get ...nothing. So I'm getting letters like he's claiming unemployment. So I'm trying to figure it out. They won't talk to me. So I kept going on and then I was trying to tell them but unfortunately, he still can't do nothing.

On March 5, 2014, the Office of the Ohio Inspector General and the OSHP conducted a second interview with Menser. When asked why she accessed the claimant's claim, she responded,

Like...I just pulled it up and put it back down. I didn't know him at the time. I mean like all I can do is look at it. 'Cause they call to get their weeks, you know, to see if they

⁶ Oriana House is a private nonprofit that is a community corrections facility and chemical dependency treatment agency.

⁷ Unemployment Compensation Reemployment Services.

⁸ Reemployment and Eligibility Assessment.

get paid. 'Cause I can't touch---I have no ability with the state to touch their---like I can't do anything to their claim. If I wanted to, I couldn't do it.

Menser later admitted that she accessed the claimant's claim information when she received a telephone call from him asking "... if his weeks got paid." When asked to explain the accesses she made while the claimant was incarcerated, Menser stated, "... those were ... that's when I think I didn't --- no one claimed though, I don't think in December." Menser claimed that the claimant called her from jail to see if "... his weeks got paid."

During the March 5, 2014, interview, Menser was asked if there was a policy which would prohibit her from accessing the claimant's claim due to their relationship. Menser stated, "I don't know because when I talked to my boss about this, she said everyone in there does it, so. No---I mean he would come in there and sit and I'd work with him. They knew it." Menser was asked in referring to, "my boss," if she was actually referring to Marci Doane. Menser said, "No." Menser stated she was referring to her former boss, Jim Selnik.

On March 5, 2014, the Office of the Ohio Inspector General and the OSHP conducted an interview with Marci Doane, program delivery supervisor for the state employees at the Summit County One Stop. Doane stated that Menser had access to both the OJI system and the Ohio Workforce Case Management System (OWCMS), which is a case management system. Doane confirmed that Menser accessed individuals' unemployment compensation claims through OJI on a daily basis as part of her job duties. When asked if Menser would have had any valid business reason to access the claimant's unemployment claim, Doane responded, "No." Doane was asked why and she responded,

... well, one first and foremost, she knows him. Secondly, um the valid reason why she might have access is he did come up on a pool⁹ list. Um for one of our unemployment programs. However, if---you know if, if somebody usually knows somebody they'll come to me and say, 'Can you reassign this person; can you take care of this because I know them.' You know, that's standard. Um so ---

⁹ REA, through OJI, selects unemployment compensation (UC) participants based on three screening criteria: Ohio resident, totally unemployed, and not job attached. Once the UC participants are identified as meeting these three criteria, they are put in a report in OJI called the REA early intervention report, aka "pool list."

but there's not a valid reason because he fell under that comparison group.¹⁰

Doane explained that anyone who falls into the comparison group based on the date their claim is filed would not be scheduled for UCRS or REA. Doane stated that once an individual falls into the comparison group, there is no reason to access their claim.

On December 19, 2014, Doane provided a copy of the "pool list" for the May 31, 2012, UCRS session. The list was created on May 16, 2012, and the claimant's name was on the first page. Doane indicated that the claimant was part of the comparison group. During the interview with Doane, she pointed out that the first access Menser made was on May 10, 2012, which was before the pool list was completed. Doane stated that ODJFS policy is very clear that "... you don't access a family member or anybody you have a relationship with. It's, it's very clear."

Doane admitted that she was aware of Menser's relationship with the claimant, but was never notified that the claimant was receiving unemployment benefits, until Doane received the complaint that Menser was accessing the claimant's claim.

The claimant's personal information on his OJI account lists Menser's home address as his residence, Menser's AT&T cellular telephone number as his home phone number, and Menser's personal email account at yahoo.com as his email address.

A review of the claimant's weekly continued claim history log revealed that continued claim applications were submitted on the claimant's account after he was arrested on December 6, 2012, and continued to be submitted while the claimant remained incarcerated through February 22, 2013. ([Exhibit 5](#)) The submission history log includes the dates and times his unemployment continued claim applications were submitted and the IP addresses from the devices used to file the online applications. The continued claim applications were submitted to ODJFS by gaining public access to the claimant's OJI account using his credentials.

¹⁰ Comparison group is a group of unemployment compensation claimants that are selected by the benefits year ending (BYE) dates that are not scheduled to participate in the Unemployment Compensation Reemployment Services or the Reemployment Assessment. The comparison group is used later to determine if the services assist unemployed workers. The comparison group calendar identifies the BYEs that are to be excluded from scheduling.

The Office of the Ohio Inspector General analyzed the provided IP addresses associated with the claimant's OJI continued claims submissions. On January 20, 2013, at 8:51 p.m. EST, a device using the IP address associated with AT&T Internet Services submitted a continued claim application on the claimant's OJI account. Documents provided by AT&T Internet Services determined that specific IP address was permanently assigned to Menser's AT&T U-verse[®] modem at her personal residence. Additionally, on June 12, 2012, June 25, 2012, and December 10, 2012, an IP address associated with ODJFS submitted continued claims applications on the claimant's OJI account. That particular IP address is associated with ODJFS, and documents provided by ODJFS determined that the IP address is specifically assigned to the Summit County One Stop where Menser is employed. The times and dates in which the ODJFS Summit County One Stop IP address submitted continued claims applications on the claimant's OJI account occurred during Menser's claimed work hours. Lastly, on February 21, 2013, another IP address associated with ODJFS submitted a continued claim application on the claimant's OJI account. This IP address is also associated with ODJFS. Documents provided by ODJFS determined that particular IP address is associated with ODJFS' state-wide, publicly accessible wireless Internet service.

The Office of the Ohio Inspector General requested and reviewed the weekly continued claim applications submitted on the claimant's account for weeks ending December 1, 2012, through February 16, 2013. Each continued claim application was submitted online on the claimant's account and contained two employers that the claimant allegedly contacted during each of the corresponding weeks. All of the claimant's employer contacts during this time period were reportedly "in person" contacts. The OSHP contacted the 24 employers that the claimant listed as employers he contacted on the 12 continued claim applications. Five of the employers responded that no employment application was on file for the claimant, but there is the possibility that he may have inquired about a position.

On the continued claim application the claimant filed for the week ending December 22, 2012, the claimant reported that he contacted Jake's Pizza and Subway[®] in person. On March 26, 2014, OSHP made contact with the manager of Jake's Pizza. After reviewing her file and the names of all individuals who inquired, the manager reported that no contact was made by the

claimant. On that same date, the OSHP contacted Subway® and spoke with the manager who explained that Subway® does not retain records on walk-ins. The manager stated that only one interview was conducted on December 19, 2012, which is the date the claimant reported making contact.

On the continued claim application the claimant filed for the week ending January 5, 2013, the claimant reported that he contacted Midwest Precision in person. On March 26, 2014, OSHP made contact with Midwest Precision and spoke with the manager, who reported that an application would be on file if an individual inquired in person. The manager stated no application was on file for the claimant.

During the interview conducted on December 11, 2013, Menser was asked if she ever accessed the claimant's unemployment account from an outside source, not through OJI. Menser responded, "I could have. I mean I've tried. I don't know if I was able to get in 'cause someone kept changing the passwords. So it might have been when I was trying to get in and change it." Menser admitted to attempting to change the claimant's password, stating that the change was at his request. Menser disclosed that the claimant's personal items, including his Social Security card and birth certificate, are at her house.

The U.S. Bank ReliaCard records received in response to a subpoena issued by ODJFS revealed that the claimant's ReliaCard statements from August 2012 to October 2013 were sent to 4418 Johnson Road, Norton, Ohio 44203. The records showed that on several occasions, the claimant's ReliaCard was reported lost or stolen. Investigators determined that the claimant was assigned five different ReliaCard numbers from March 2012 through February 2013.

The Office of the Ohio Inspector General reviewed the claimant's ReliaCard account records received from U.S. Bank, which confirmed that unemployment compensation totaling \$710 was deposited to the claimant's ReliaCard while he was incarcerated. The records revealed that while the claimant was incarcerated, purchases were made using his ReliaCard. The following table shows the suspect ReliaCard purchases on the claimant's card.

Date	Description	Other Description	\$ Amount
1/4/2013	Withdrawal	241 Wooster Rd., Barberton, OH	\$ 283.00
1/4/2013	Service Charge	ATM Withdraw	1.50
1/10/2013	Visa Purchase	Access Secure Deposit	28.00
1/11/2013	Visa Purchase	McDonald's	3.80
1/11/2013	Visa Purchase	Little Caesars Pizza	10.00
1/15/2013	Visa Purchase	IC Solutions	20.04
1/19/2013	Visa Purchase	Honey Baked Ham	6.05
1/23/2013	Withdrawal	935 E. Tallmadge Ave., Akron, OH	142.85
1/23/2013	Service Charge	ATM Withdraw	1.50
2/5/2013	Withdrawal	935 E. Tallmadge Ave., Akron, OH	122.85
2/5/2013	Service Charge	ATM Withdraw	1.50
2/6/2013	Visa Purchase	Circle K	1.49
2/7/2013	Visa Purchase	Swensons North	14.99
2/22/2013	Withdrawal	230 Howe Ave., Cuyahoga Falls, OH	63.50
2/22/2013	Service Charge	ATM Withdraw	1.50

During an interview conducted on December 11, 2013, Menser was asked about the transactions made with the claimant's ReliaCard. Menser stated she did not make any purchases with the ReliaCard and she did not have the card. Menser alleged that when the claimant was arrested, the jail took the card and when she went to the jail to pick it up, the jail did not have it. Menser repeated that she did not use and never had possession of the claimant's ReliaCard.

The ReliaCard records revealed that on December 11, 2012, at 9:28 p.m. EST,¹¹ a female who identified herself as the claimant's wife called U.S. Bank to report that the claimant's ReliaCard was lost. The replacement card was sent to the address on the account, which was Menser's home address. The Office of the Ohio Inspector General subpoenaed Menser's cellular telephone records from AT&T Mobility and determined that on December 11, 2012, four calls were made from Menser's personal cellular telephone to 866-276-5114, which is the U.S. Bank ReliaCard Visa customer service number to report a lost or stolen card. The following table outlines four calls made to U.S. Bank from Menser's personal AT&T cellular telephone.

¹¹ Records were originally provided in Central Standard Time.

Date	Time (EST)	Number Dialed	Duration (s)
12/11/2012	9:20 p.m.	866-276-5114	0:01
12/11/2012	9:21 p.m.	866-276-2114	0:47
12/11/2012	9:23 p.m.	866-276-5114	0:29
12/11/2012	9:26 p.m.	866-276-5114	1:43

During the interview conducted on March 5, 2014, Menser was asked about the telephone calls made to U.S. Bank on December 11, 2012. Menser stated:

... because when he told me to get it and it was lost, I called and reported it lost. They said there's nothing they could do because I'm not ...nobody. And I said you guys can't just stop the card because --- I said he was out the country. I didn't want to tell him he was in jail. And they were like no. Because I, I knew he had no way to call and cancel the card from in jail.

The ReliaCard records further revealed that on January 10, 2013, a transaction was processed to Access Secure Deposit¹² for \$28. The transaction detail, received from Access Secure Deposit, showed that on January 10, 2013, at 1:04 p.m., Menser deposited \$25 via the Internet into the claimant's account. The deposit included a service fee of \$3, for a total charge of \$28. The card used by Menser for this transaction was the claimant's ReliaCard.

On January 15, 2013, a transaction was processed on the claimant's ReliaCard to IC Solutions¹³ for \$20.04. Records from IC Solutions revealed that on January 14, 2013, at 11:37 a.m., Menser deposited \$16 into the claimant's IC Solutions account via the Internet using a Visa card ending in 3831, the claimant's ReliaCard. ([Exhibit 6](#)) The deposit into the claimant's account included a \$3 service fee and \$1.04 in tax for a total charge amount of \$20.04.

¹² Access Secure Deposit provides an inmate's family and friends the ability to deposit funds into his/her account via phone, the Internet, or at a lobby kiosk.

¹³ IC Solutions provides telecommunications products to the corrections industry.

CONCLUSION

The Office of the Ohio Inspector General found that Carrie Menser in her capacity as a customer service representative with ODJFS accessed her boyfriend's OJI account on 22 separate occasions using her user-based privileges, with no valid business reason.

The Office of the Ohio Inspector General's review of the claimant's weekly continued claim application history revealed that the weekly continued claim applications on the claimant's unemployment compensation claim were submitted uninterrupted despite the claimant being incarcerated for a period of time.

The Office of the Ohio Inspector General found that several of the weekly continued claim applications submitted on the claimant's unemployment compensation claim were submitted from IP addresses reserved for Menser's home address, the Summit County One Stop, or ODJFS' wireless network system. The weekly continued claim applications submitted from the IP addresses reserved for the Summit County One Stop and ODJFS wireless were submitted during Menser's assigned work hours.

The Office of the Ohio Inspector General's review of the U.S. Bank ReliaCard records for the claimant's account revealed Menser's home address as the address that communications, including statements, were sent. The review found that a new ReliaCard ending in 3831 was issued and sent to Menser's home address on December 27, 2012, while the claimant was incarcerated. The new ReliaCard was issued as a result of a female calling to report the claimant's card lost or stolen on December 11, 2012, at 9:28 p.m. EST. Records from AT&T Mobility revealed four calls to U.S. Bank from Menser's personal cellular telephone on December 11, 2012, starting at 9:20 p.m. EST and ending at 9:26 p.m. EST.

A review of the U.S. Bank ReliaCard account records further revealed several purchases on the card during the time period the claimant was incarcerated. These purchases included one to Access Corrections to place money in the claimant's commissary account at the Summit County Jail, and another to IC Solutions to place money in the claimant's account using the ReliaCard ending in 3831.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe that a wrongful act or omission occurred in this instance.

RECOMMENDATION(S)

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

1. Determine if any administrative action should be taken based on the information contained in this report.
2. Determine if additional or remedial training is warranted for Menser for proper handling of confidential personal information.
3. Consider providing refresher training to employees accessing confidential personal information, reminding them of the requirements set forth in ODJFS Policies IPP.3925, IPP.3922, and IPP.0005.

REFERRALS

The Office of the Ohio Inspector General and the Ohio State Highway Patrol provided this report of investigation to the Akron City Prosecutor on April 29, 2014, for consideration.

On May 29, 2014, Carrie Menser was indicted by the Summit County Grand Jury for one count of Tampering with Records, one count of Unauthorized Use of a Computer and two counts of Theft in Office.

[\(Click here for Exhibits 1 – 6 combined\)](#)



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Job and Family Services

FILE ID #: 2013-CA00092

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
August 14, 2014

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