

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO BUREAU OF WORKERS' COMPENSATION  
FILE ID NO.: 2014-CA00025  
DATE OF REPORT: NOVEMBER 10, 2014

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

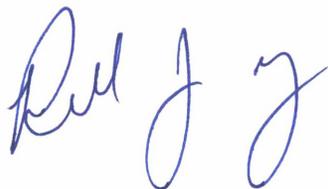
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Randall J. Meyer  
Ohio Inspector General



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

## REPORT OF INVESTIGATION

**FILE ID NUMBER:** 2014-CA00025

**SUBJECT NAME:** Robin Hymore

**POSITION:** Claims Service Specialist

**AGENCY:** Ohio Bureau of Workers' Compensation

**BASIS FOR INVESTIGATION:** Referral

**ALLEGATIONS:** Failure to Comply with State or Department Rules, Procedures, or Policies;  
Misuse or Abuse of State Property or Equipment;  
Criminal Conduct

**INITIATED:** March 21, 2014

**DATE OF REPORT:** November 10, 2014

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On March 20, 2014, the Ohio Bureau of Workers' Compensation (OBWC) notified the Office of the Ohio Inspector General of allegations involving Toledo Service Office Claims Service Specialist Robin Hymore. On March 17, 2014, OBWC Toledo Service Office Manager Bernadette Delgado emailed OBWC Labor Relations Officer 3 Brad Nielsen stating that a supervisor had told Delgado that Hymore had accessed and performed work in a claim belonging to Hymore's goddaughter. Delgado further stated that Hymore would not have a business reason to access this claim. On March 21, 2014, OBWC provided a CPI Access log showing Hymore had accessed her goddaughter's claim a total of four times on two distinct dates.

## **BACKGROUND**

The Ohio Bureau of Workers' Compensation (OBWC) is responsible for providing workers' compensation insurance to all public and private employees except those that qualify for self-insurance. It is the largest exclusive workers' compensation system in the United States. An administrator/chief executive officer of OBWC is appointed by the governor. OBWC is also overseen by an 11-member board with members experienced in financial accounting, investments and securities, and actuarial management. OBWC is funded through assessments paid by employers.<sup>1</sup>

The Ohio General Assembly enacted Ohio Revised Code §121.52, effective September 10, 2007, which created the deputy inspector general for the Ohio Bureau of Workers' Compensation (OBWC) and the Industrial Commission of Ohio (ICO). This statute designated this deputy inspector general "shall investigate wrongful acts or omissions that have been committed by or are being committed by officers or employees" of both OBWC and the ICO and provides the deputy inspector general the same powers and duties as specified in Ohio Revised Code §121.42, §121.43, and §121.45 for matters involving OBWC and ICO.

The job description for an OBWC claims service specialist states job duties include, but are not limited to: managing claims, performing initial and subsequent claim investigations, and assisting injured workers with their claims.

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<sup>1</sup> Source: OBWC annual report.

Ohio Revised Code (ORC) §1347.15 (B) requires each state agency to adopt rules in accordance with Chapter 119 of the ORC which regulates “access to the confidential personal information the agency keeps, whether electronically or on paper.” This section requires the agency to maintain a CPI access log for instances related to official agency purposes and to define the criteria when an employee may access CPI. This section also requires the agency to establish a training program to make the employees aware of “all applicable statutes, rules, and policies governing their access to personal information.” To comply with this requirement, OBWC implemented the following policies, which were reviewed as part of this investigation:

**Memo 4.42 *Confidential Personal Information (CPI) Access and Logging***, revised and reissued in July 2013,<sup>2</sup> which defines CPI, identifies the computer systems that automatically log the employee accessing CPI, and identifies when an OBWC employee is required to manually log their access to CPI. ([Exhibit 1](#))

**Memo 4.21 *COEMP and Special Handling Claims Policy***, revised and reissued September 2012, which addresses the processing and management of past, present, and future claims of current and former OBWC and ICO employees, their spouses, and claims for persons residing in their homes. This policy also defines special handling claims as “claims pertaining to individuals who have business or personal relationships with the BWC/IC employee, for example business associates, business partners, employee and employers as determined by the service office manager.” ([Exhibit 2](#))

Hymore acknowledged receipt of Memo 4.42 *Confidential Personal Information (CPI) Access and Logging* on November 6, 2013, and Memo 4.21 *COEMP and Special Handling Claims Policy* on March 14, 2013.

This investigation also involved a review of the Notes Refresher document located on OBWC’s Intranet website. (Excerpts of this document are in [Exhibit 3](#)) This document, which is available to all claims service specialists (CSS), states that the notes are used by CSSs as a “... tool to manage a claim by documenting” facts gathered during the investigative phase; issues

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<sup>2</sup> OBWC initially issued this policy on June 1, 2011.

identified; action steps taken to resolve issues; claim outcomes; compensation payments; and claim actions. Other information that, "... should be documented in the notes" includes all telephone contacts and correspondence to and from parties of the claim, including managed care organizations.

### **INVESTIGATIVE SUMMARY**

On April 25, 2014, the Office of the Ohio Inspector General interviewed OBWC Toledo Service Office (TSO) Manager Bernadette Delgado; Injury Management supervisors Greg Brokaw and Dana Wolfe; and Claims Service Specialist (CSS) Cindy Hurst. These individuals were asked how they discovered that TSO CSS Robin Hymore accessed her goddaughter's claim. The interviews revealed that this access was initially brought to Dana Wolfe's attention and that she notified Brokaw, who in turn with Wolfe, notified Delgado.

Wolfe stated during her interview with the Office of the Ohio Inspector General that she was approached on Monday, March 17, 2014, by CSS Cindy Hurst. Hurst told Wolfe that Hymore had approached her on Friday and asked, "... how soon can you get this determined, this claim? ... the employer's calling me; they have questions." Wolfe stated Hurst told her that Hymore mentioned the injured worker is her goddaughter.

When asked about the injured worker's claim, Hurst recalled that she had completed the initial determination and was waiting on the wage information to prepare a corrected order for Temporary Total Disability (TT). After completing the initial order, Hurst stated that Hymore came to her and asked when she was going to pay the injured worker. Hurst explained that, at the time, she was managing her own and another coworker's case load and was running behind. Hurst reiterated that Hymore had asked when the claim was going to be paid and that she (Hurst) told Hymore she would take a look at it.

Hurst also recalled Hymore had made a referral to the Employer Services division.<sup>3</sup> When asked whether Hymore had the authority to make the referral since the claim was assigned to Hurst,

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<sup>3</sup> The Employer Services division is responsible for assisting employers with questions about their policies, claims, safety issues, and participating in OBWC programs.

Hurst responded, “I would say no because she’s not in my swim lane,”<sup>4</sup> but then added a caveat that Hurst was not sure if Hymore was helping other CSSs, since one of the CSSs was managing two caseloads and there was a new employee on staff. Hurst recalled later in the interview that Hymore had mentioned the referral, but Hurst could not recall if Hymore mentioned or emailed Hurst that the “... employer was a little bit confused about salary continuation.”

The Office of the Ohio Inspector General determined there was no note in the claim indicating an employer services referral had been made. After reviewing the employer referral form Hymore prepared, Hurst stated that many times she (Hurst) would enter a note into the claim reflecting an “EM referral” and that without a note, she (Hurst), as the assigned CSS, would not know a referral had been completed. When questioned whether the referral accurately listed the assigned CSS, Hurst replied, “No,” and reiterated that she did not know, “... if somebody was having her [Hymore] do that.”

Hurst recalled that she was going to pay the injured worker TT and then found out that the employer was going to pay salary continuation. Hurst stated she would not have recommended salary continuation because of the severity of the injury and the likelihood of a long recovery of the injured worker. When asked about the relationship between the injured worker and Hymore, Hurst replied if she remembered correctly, the injured worker was Hymore’s goddaughter.

Hurst stated she had discussed the issue with Wolfe because she had initially created a payment plan in the claim that needed to be vacated and that a corrected order had to be issued stating the employer was paying salary continuation. Hurst verified mentioning the conversation she had with Hymore to Wolfe. Wolfe confirmed that Hurst expressed her disagreement with the decision to pay a salary continuation, as it would not help the employer due to the claim costs for a significant injury, and that Hymore had completed a referral to Employer Services.

After talking with Hurst, Wolfe stated she (Wolfe) accessed the goddaughter’s claim and noted that Hymore had entered notes into the claim, supporting what Hurst had told her. At this time,

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<sup>4</sup> OBWC manages injured workers’ claims using a claims’ triage system. This system consists of claims service specialists being assigned to “swim lanes” called “Intake,” “Return to Work 1,” “Return to Work 2,” and “Remain at Work.”

Wolfe stated she told Hurst to continue processing the claim and she would address the issue. Wolfe stated she contacted Hymore's supervisor, Brokaw, and also spoke with Delgado about the issue. Both Brokaw and Wolfe stated they had reviewed the Assignment Tracker<sup>5</sup> and found the employer referral entry mentioned by Hurst. Brokaw provided investigators a copy of the employer referral from OBWC's Assignment Tracker.

After being notified by Wolfe of Hymore's accessing her goddaughter's claim file, Brokaw stated that he accessed the claim and also saw Hymore's note entries in the claim. Brokaw stated that he generated a CPI Access log, noted that Hymore had accessed the claim three or four times, and provided the information to Delgado. Since the March 17<sup>th</sup>, 2014, referral of the matter to Labor Relations, Brokaw stated he has periodically reviewed Hymore's CPI Access log and has not identified any additional accesses to Hymore's goddaughter's claim.

The Office of the Ohio Inspector General interviewed Hymore who stated her understanding of the CPI policy was that, "I can't look an injured worker up by name or something that I've seen in the paper." Hymore acknowledged that the phrase, "... that you shouldn't be in a claim unless you have a business reason" sounded familiar. Hymore stated that she is required to complete an acknowledgement signifying that she has read the policy; however, Hymore noted that she is bad about responding to them. Hymore also stated that she vaguely recalled completing a computerized training about OBWC's CPI policy.

Hymore explained that her understanding of the COEMP and Special Handling policy is, "... if we have some, someone related or ... related to an --- to --- not just to me but another employee or something, it goes to COEMP." However, she did not recall receiving a policy by email. During the interview, when asked for her definition of immediate family, Hymore stated, "I wouldn't work on someone that was related to me or .... 'Cause I don't want to be caught in the middle of that. This is my job."

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<sup>5</sup> Assignment Tracker is a SharePoint site which is a Microsoft web application that can be used for Intranet content management and document management. The Assignment Tracker is used by claim service specialists to notify employer service specialists of referrals being made to them.

Hymore admitted the injured worker was a childhood friend's daughter. When questioned whether the injured worker was her goddaughter, Hymore replied she was, but that she had neither seen the injured worker in probably 20 years, nor would have known her if the injured worker walked up to her. Hymore recalled knowing that her goddaughter had been injured, because the employer had called her. Hymore stated that she entered a note into the claim and referred it to Employer Services.

Hymore then explained, "I specific [sic] told them I cannot go in this. I'm gonna refer you where it needs to go. Um I know you're out-of-state so I referred her to Employer Services 'cause she had never done an Ohio claim before." Hymore stated that the employer referral was the last action she took related to her goddaughter's claim and she did not want to be involved any further. Hymore noted that there is no blood relationship between herself and her goddaughter and "... not even any type of, of personal relationship. "

The Office of the Ohio Inspector General reviewed the claim notes contained in OBWC's internal claim management system, V3, and verified Hymore's assigned identification number was reflected in the notes for the injured worker's claim for activity on March 13, 2014, and March 14, 2014. In both instances, V3 recorded a security entry reflecting Hymore was performing actions in the claim because the assigned CSS was not available. However, the Office of the Ohio Inspector General determined that on both dates in question, Hurst, the assigned CSS, had entered notes into the claim on the same days Hymore accessed the claim.

#### *Activity on March 13, 2014*

Hymore was shown the March 13, 2014, security diary entry which reflected the assigned CSS was unavailable, that the injured worker information had been updated, and her assigned identification number was documented as updating the information. Hymore could not recall what she updated and thought it might be a phone number. When Hymore was asked whether the injured worker called her or talked to her, she replied, "I don't remember. I, I know I talked to --- I, I have no clue. I really don't remember. I'm trying to think..." Hymore then stated, "You know, she may have called me and then --- I think maybe that's how the employer got my number."

The Office of the Ohio Inspector General obtained from OBWC a history of phone calls received and made by Hymore using her OBWC phone, her Internet access, and compared the calls and Internet access against Hymore’s access to her goddaughter’s claim.

This comparison noted:

<b>Date</b>	<b>Time (EST)</b>	<b>Activity</b>
3/13/2014	7:19 – 7:25 a.m.	Hymore accessed her personal email account from her OBWC computer.
3/13/2014	7:29 a.m.	Hymore received an incoming phone call from goddaughter’s contact number. No note entered by Hymore in goddaughter’s claim.
3/13/2014	7:29 a.m.	Hymore accessed her goddaughter’s claim. No notes are entered regarding contact, but V3 created a security diary entry indicating injured worker information was updated.
3/13/2014	7:35 a.m.	Hymore calls her goddaughter’s contact number. No note entered by Hymore in the claim.

Hymore was questioned whether she had received an email from her goddaughter with the information. Hymore confirmed she accessed her personal email account using OBWC’s Internet, but stated that she had not received an email from her goddaughter. When Hymore was told investigators were unable to determine how she obtained the information to update the injured worker’s records, Hymore replied, “... maybe I looked at the first report of injury and updated something, a phone number maybe ... I don’t know.”

*Activity on March 14, 2014*

Hymore was shown the March 14, 2014, note that she had entered into the claim. When Hymore received a call from her goddaughter’s employer, Hymore stated she did not know who the employer was; that she just answered the employer’s questions, and referred her to Employer Services. Hymore then stated, “... the claim’s not mine. I just got the call from --- ‘cause uh... someone gave her mom my number or her my number and they had gave [sic] it to the employer ‘cause the employer had questions and that’s pretty much it.”

The Office of the Ohio Inspector General obtained from OBWC a history of phone calls received and made by Hymore using her OBWC phone, her Internet access, and compared the calls and Internet access against Hymore’s access to and notes entered into her goddaughter’s claim.

This comparison noted:

<b>Date</b>	<b>Time (EST)</b>	<b>Activity</b>
3/14/2014	Unknown	Hymore entered a note into the claim indicating she had received a call from the employer and discussed salary continuation.
3/14/2014	8:37 a.m.	Hymore accessed her goddaughter's claim.
3/14/2014	8:39 a.m.	Hymore accessed her goddaughter's claim.
3/14/2014	8:41 a.m.	Hymore submits referral to Employer Services. No note entered by Hymore into the claim that a referral was made.
3/14/2014	10:44 a.m.	Hymore accessed her personal email account using OBWC's computer and Internet
3/14/2014	11:19 a.m.	Hymore's phone activity reflects AutoAttend <sup>6</sup> lasting 2 minutes and 13 seconds
3/14/2014	11:21 a.m.	Hymore accessed her goddaughter's claim.
3/14/2014	11:22 a.m.	Hymore called the Employer of Record (EOR) and spoke for 6 minutes and 38 seconds.
3/14/2014	11:31 a.m.	Hymore called her goddaughter's contact number. No note entered by Hymore into the claim.

Hymore was asked why she accessed the claim at 8:37 and 8:39 a.m., and then accessed the claim and made the phone call approximately three hours later. Hymore replied she may have wanted to gather information to complete the employer services referral, and reiterated that she had not accessed the claim since. Hymore's OBWC phone records indicate only one call from Hymore to the Employer of Record at 11:22 a.m. on March 14<sup>th</sup>, which is after her 8:41 a.m. March 14<sup>th</sup> employer services referral submission, stating, "I think the employer needs some guidance on BWC claims." After reviewing the Assignment Tracker entry, Hymore admitted to creating the entry and misspelling the injured worker's first name. Hymore then stated she did not enter a note in the claim for the employer services referral and that, other than referring the employer, she did not interact with Employer Services.

Hymore recalled telling Hurst that she knew the injured worker; that she had spoken with the employer; and submitted an employer services referral, but told the employer that the claim was assigned to Hurst. When questioned about whether Hymore asked Hurst when the claim was going to get paid, the next steps, or anything of that nature, Hymore denied doing so. Hymore stated that "I wouldn't have even asked about pay 'cause I knew she was gonna pay salary continuation. And I put a note in... so I wouldn't have --- no."

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<sup>6</sup> AutoAttend is the voicemail feature on OBWC's telephone system.

On May 8, 2014, the Office of the Ohio Inspector General asked Delgado to explain the difference between an injured worker receiving salary continuation from their employer versus receiving TT from OBWC. Delgado replied in a May 8, 2014, email for this claim, that under salary continuation, the injured worker received their weekly pay rate less taxes and deductions, whereas TT benefits paid by OBWC would not be taxed. Delgado stated that, "... it is reasonable to think the claimant would end up with a little more money under the salary continuation plan." The Office of the Ohio Inspector General reviewed the injured worker's pay stubs and noted in addition to the standard tax deductions, the injured worker had additional withholdings for retirement and other benefits.

Delgado also stated there were pros and cons for an employer to pay salary continuation to the injured worker. Delgado stated an employer may pay salary continuation to the injured worker to keep their claim costs below the maximum amount to remain within their specified group in order to receive premium discounts. Salary continuation may also be paid to avoid going over an employer's total limited losses. Exceeding an employer's total limited losses often results in premium penalties for the next four years. For this specific claim, Delgado explained that the claim costs were going to exceed the employer's maximum value, which would support why Hurst would not have recommended the employer pay salary continuation.

On May 23, 2014, the Office of the Ohio Inspector General spoke with Employer of Record, Human Resources Vice President Tina Miles. Miles recalled the injury and explained that the employee Hymore spoke with left the company in April of 2014 and could not provide any information about conversations that Hymore had with this employee. However, Miles recalled that after being counseled by the employer's third-party administrator about salary continuation and TT, and since the injured worker was going to be off for a period of time using FMLA, the decision was made to pay salary continuation to the injured worker. When asked whether the injured worker would have continued to receive health care coverage if she had been paid by OBWC TT benefits, Miles replied that she would continue to receive coverage as long as she was using FMLA leave.

### *Special Claims Referrals*

During her interview, Hymore also admitted that her father has several OBWC claims, that he had been retired longer than she had been an OBWC employee, and that his claims are not currently active. The Office of the Ohio Inspector General requested OBWC Special Claims Injury Management Supervisor Robyn Garver to review claims belonging to Hymore's father to determine whether those claims had been transferred to Special Claims.

On May 1, 2014, Garver defined special handling claims as those claims where an OBWC employee has a relationship, either personal or familial, with the claimant. When this circumstance occurs, Garver stated Memo 4.21 provides that an employee should either notify their supervisor who is then responsible to contact Special Claims, or the employee should send an email to the COEMP email box with the claim information for a determination as to whether a claim should be transferred to Special Claims for claim management.

Garver identified in a May 1, 2014, email that Hymore's father had a total of 12 claims of which:

- Two were initially transferred to Special Claims on November 2, 1996, returned to the Toledo Office on January 11, 2006, and returned to Special Claims on January 13, 2006;
- Four were noted as Payment Online from the computer system prior to the implementation of V3; and
- Six claims had not been transferred to Special Claims.

Garver stated she transferred the remaining claims to Special Claims on April 28, 2014, when she was notified by the Office of the Ohio Inspector General that these claims belonged to an OBWC employee's father. The Office of the Ohio Inspector General requested and received from OBWC a CPI Access log for each of the identified 12 claims and determined Hymore had not accessed her father's claims.

### *Accessing Claims Not Assigned*

The Office of the Ohio Inspector General obtained from OBWC Hymore's CPI Access log and her assignment history for January 1, 2014, through March 15, 2014. Investigators reviewed and compared Hymore's CPI Access log to her claim assignment history to determine whether

Hymore had previously accessed her goddaughter's claim and whether she had accessed claims not assigned to her. The Office of the Ohio Inspector General did not identify any additional accesses of Hymore's goddaughter's claims, but identified 1,063 instances where Hymore accessed a claim that she either was not assigned at the time of her access, but had been or was subsequently assigned to the claim; or had not been assigned to the claim from the date of injury through March 15, 2014.

On March 28, 2014, the Office of the Ohio Inspector General requested TSO management review the 1,063 accesses of claims to determine whether Hymore had a business reason to access the claim. Prior to February 2014, Brokaw stated that Hymore managed a virtual claim caseload for the OBWC Dayton Service Office and that the assignment had ended abruptly at the beginning of February 2014. Brokaw explained while waiting to have a caseload assigned to her, Hymore was told to access the work lists of TSO Return to Work team members and assist them with their cases. On April 17, 2014, Delgado provided an email response to an investigator's request, identifying 23 instances which she and her management team were unable to determine Hymore had a business reason to access the claim.

On April 25, 2014, Hymore was shown this list and asked why she had accessed the claims not assigned to her, her team, her swim lane, or were not on a specific project resulting in overtime. Hymore initially responded, "I have no clue." During her review of the accesses, Hymore questioned whether the claims belonged to Lucas County, because she often receives calls about Lucas County claims, since she previously served as their assigned CSS. Hymore also stated she may have typed the wrong claim number or her supervisor, Greg Brokaw, may have requested her to work in a claim not assigned to her. However, Hymore agreed that her actions in response to Brokaw's requests would leave an electronic footprint in the claim.

To determine whether Hymore's claim accesses were the result of typing wrong numbers, the Office of the Ohio Inspector General reviewed the claims in V3 to identify the employer, the assigned CSS, and Hymore's CPI history. On May 1, 2014, the Office of the Ohio Inspector General requested Delgado and her designees review the 23 instances with the additional information to determine whether Hymore had a business reason to access the claims. Based on

the additional information provided to her and further review of the claims, Delgado replied on May 6, 2014, that Hymore did not have a business reason to access claims in 10 of the 23 instances. For the remaining 13 accesses, Delgado and her staff stated that Hymore could have accessed the remaining 13 claims in her capacity as backup, assisting other Return to Work 2 CSSs, or was on the same team or in the same swim lane as the assigned CSS.

## **CONCLUSION**

On April 25, 2014, the Office of the Ohio Inspector General interviewed Claims Service Specialist (CSS) Robin Hymore who explained her understanding of both Memo 4.42 *Confidential Personal Information (CPI) Access and Logging* and Memo 4.21 *COEMP and Special Handling Claims Policy*. Hymore stated it was her understanding of OBWC's CPI policy (Memo 4.42) is that "I can't look an injured worker up by name or something that I've seen in the paper." When asked if the phrase "that you shouldn't be in a claim unless you have a business reason" sounded familiar, Hymore replied "Uh hum." For Memo 4.21, Hymore stated it was her understanding that "... if we have some, someone related or... related to an --- to --- not just to me but another employee or something, it goes to COEMP." When asked for her definition of immediate family, Hymore replied that "I wouldn't work on someone that was related to me or .... 'Cause I don't want to be caught in the middle of that. This is my job."

OBWC provided a CPI Access log showing Hymore accessed her goddaughter's claim once on March 13, 2014, and three times on March 14, 2014. OBWC's internal claim management computer system, V3, also showed that Hymore updated the injured worker information in her goddaughter's claim on March 13<sup>th</sup>, and on March 14<sup>th</sup> created a diary entry and summarized, in a note, a phone call from the Employer of Record.

Hymore admitted the injured worker was her goddaughter, that she had accessed the claim, spoke with the Employer of Record, entered notes into the claim, and completed an employer services referral. Hymore stated that she told assigned CSS Cindy Hurst that she submitted a referral, entered notes in the injured worker's claim, and told the employer that the claim was assigned to Hurst. During her interview, Hurst stated that Hymore had mentioned to her that the injured worker was Hymore's goddaughter. Contrary to Hurst's assertion in her April 25, 2014,

interview, Hymore denied asking Hurst when she was expecting to pay the injured worker. Hymore stated that she would not have asked Hurst about pay, because she knew the employer was going to pay salary continuation.

This investigation also determined for the period March 13-14, 2014, that Hymore:

- Failed to enter notes into her goddaughter's claim for a phone call received from her goddaughter on March 13<sup>th</sup> and two phone calls made to her goddaughter on March 13<sup>th</sup> and 14<sup>th</sup> in the claim notes as required by the Notes Refresher manual. ([Exhibit 3](#))
- Submitted an employer services referral at 8:41 a.m. on March 14, 2014, for a claim that she was not assigned and failed to record this referral in the claim notes as required by the Notes Refresher manual ([Exhibit 3](#)).

Contrary to OBWC Memo 4.42 *Confidential Personal Information (CPI) Access and Logging*, this investigation also determined Hymore accessed claims in 10 instances during the period January 1, 2014, through March 14, 2014, in which OBWC Toledo Service Office Manager Bernadette Delgado and her staff could not identify a business reason for Hymore to access the claims.

**Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.**

### **RECOMMENDATION(S)**

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Bureau of Workers' Compensation to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Bureau of Workers' Compensation should:

1. Review the conduct of Robin Hymore and determine whether administrative action is warranted.

2. Determine if additional or remedial training is warranted for Hymore for proper handling of confidential personal information and when notes involving injured worker contacts and Employer Service referrals should be entered into a claim.
3. Recommend OBWC consider requiring employees submit periodic certifications of whether the employee is aware of any injured workers with claims who may meet requirements set forth in Memo 4.21. Special Claims should review the identified injured worker's claim and their relationship with the OBWC employee to determine whether claims were, or should be, transferred to Special Claims for management.
4. Recommend conducting a review of injured workers whose claims are being managed by Special Claims to determine whether the identified injured workers have additional claims that should have been transferred to Special Claims and have not been.
5. As part of the upcoming training on the new computer system, consider integrating a refresher training on when notes should be entered into a claim, with an additional emphasis of when notes should be entered if the employee is accessing a claim they are not assigned.

## **REFERRALS**

The Office of the Ohio Inspector General will provide this report of investigation to the City of Toledo Attorney for consideration.

**[\(Click here for Exhibits 1 - 3 combined\)](#)**



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Bureau of Workers' Compensation**

**FILE ID #: 2014-CA00025**

**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**  
**November 10, 2014**

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