



Department of
Job and Family Services

Mike DeWine, Governor

Kimberly Hall, Director

Sent by email only.
OIG_WATCHDOG@OIG.OHIO.GOV
June 8, 2020

Mr. Randall J. Meyer
Ohio Inspector General
30 East Broad Street, Suite 2940
Columbus, Ohio 43215

RE: Ohio Department of Job and Family Services, File Identification Number 2020-CA00002

Dear Inspector General Meyer:

Please take this letter as the Ohio Department of Job and Family Services' (ODJFS) response to the recommendations made by your office in the State of Ohio's Office of the Inspector General (OIG) Investigative Report issued on April 10, 2020.

1) Review the actions of Brian Kessler.

In December 2019, the ODJFS Chief Inspector Office (CIO) was notified of concerns that ODJFS employee Brian Kessler was being paid for Ohio Air National Guard duty that he was not performing, and that he may have forged a letter from a military commander to secure the military leave.

On January 13, 2020, the CIO conferred with the OIG regarding the potential illegal activity of theft of time. Thereafter, the CIO provided the OIG a preliminary investigation into Kessler's submission of military orders, memorandum/letters asking ODJFS to allow his leave, and his claims for paid military time. In deference to the OIG's decision to investigate, the CIO suspended its administrative investigation until February 28, 2020, which is when the OIG concluded its investigation.

The CIO interviewed Kessler on March 12, 2020 and issued its report on March 23, 2020. The CIO substantiated the allegations that Kessler had submitted forged Ohio Air National Guard memorandums/letters to report performance of duty that he did not serve and get paid for the duty. The CIO also found that he used his state computer to do so.

A pre-disciplinary hearing was scheduled for April 17, 2020. Kessler waived his right to appear at the hearing. Based upon the CIO report, it was determined that there was just cause to discipline Kessler. Given the severity of the violation by

30 East Broad Street
Columbus, OH 43215
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Kessler and consistent with ODJFS' disciplinary grid and R.C. §124.34, he was removed from employment with ODJFS on May 1, 2020.

2) Review the actions of the supervisors and employees who accepted the unsigned letters from Brian Kessler for military duty.

ODJFS' policy on military leave provides that employees are responsible for securing documentation from the military entity requiring their services. This policy is consistent with Ohio law. O.A.C. 123:1-34-04.

ODJFS accepts military orders any time from employees. There is no requirement that these orders be signed. If an ODJFS employee is deployed prior to the issuance of orders or upon a verbal order, ODJFS will accept a signed letter on military letterhead in lieu of an order. Kessler submitted both military orders and memorandum/letters with signature blocks showing the purported author, but without wet signatures.

It is rare for ODJFS employees who seek military leave payments to do so without military orders. It is also relatively rare, in this electronic age, to receive even copies of documents bearing evidence of wet signatures. It is becoming more common to receive signature blocks as a substitution for wet signatures. For these reasons, ODJFS believes that the individuals who may have handled the letters supplied by Kessler simply did not find it alarming that the letters did not contain wet signatures.

ODJFS will take steps this year to educate all staff about the proper way to obtain military leave, and what letters must contain before they will be accepted as a basis to secure military leave and pay.

Regards,

/s/ Nicole S. Moss

Nicole S. Moss
Senior Staff Attorney
Ohio Department of Job and Family Services
Office of Legal and Acquisition Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215
614.995.0131
Nicole.Moss@jfs.ohio.gov