

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.: 2018-CA00020  
DATE OF REPORT: OCTOBER 23, 2018

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*“Safeguarding integrity in state government”*

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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:** 2018-CA00020

**SUBJECT NAME:** Brenda Branum

**POSITION:** Workers' Compensation Claims Specialist  
Supervisor

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

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Improper Practices

**INITIATED:** April 11, 2018

**DATE OF REPORT:** October 23, 2018

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On April 10, 2018, the Ohio Bureau of Workers' Compensation (OBWC) notified the Office of the Ohio Inspector General of suspected illegal activity on the part of one of its employees. Prior to the notification, the OBWC Legal Department had requested the bureau's Special Investigations Department (SID) conduct an internal investigation regarding improper access of Confidential Personal Information (CPI) on the part of OBWC Claims Specialist Supervisor Brenda Branum. Branum was alleged to have improperly accessed a claim belonging to an injured worker<sup>1</sup> who was believed to be Branum's landlord at that time. It was also alleged that the injured worker filed a civil lawsuit against Branum pertaining to landlord/tenant issues in May 2017.

The OBWC SID notified the Office of the Ohio Inspector General that,

... the initial review revealed Branum accessed the injured worker's claim at the Dayton Service Office a total of 30 times on 22 separate occurrences between May 31, 2014, and February 13, 2018. If not for business purposes, this would violate our CPI policy.

## **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, or 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>2</sup>

As an OBWC claims specialist supervisor, Brenda Branum supervises the Return to Work 2 team. The team manages and processes the applications for injured workers who have been on

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<sup>1</sup> Ohio Revised Code sections 149.43, 4123.27, and 4123.88, among others, exempts certain injured worker medical records and other identifying information from public records disclosure. The Ohio Inspector General is obligated to maintain that confidentiality under Ohio Revised Code §121.44, and in order to maintain that confidentiality will not identify the injured worker in this matter.

<sup>2</sup> Source: OBWC annual report.

workers' compensation for at least six months and have not returned to work. The return to work team maintains case management, and processing of temporary total benefits.

### *Confidential Personal Information (CPI)*

In response to a report of investigation<sup>3</sup> issued by the Office of the Ohio Inspector General, the Ohio General Assembly passed House Bill 648, establishing §1347.15 of the Ohio Revised Code. This section defines “confidential personal information” and identifies what personal information is not to be considered as a public record. Common examples of confidential personal information protected by this section include an individual’s Social Security number, driver’s license number, medical records, and records whose release is prohibited by state or federal law. Possible ramifications for an employee violating this code section by improperly accessing or releasing CPI range from administrative action to criminal charges and being permanently prohibited from state employment.

This section also mandates that all state agencies, excluding the judiciary and state assisted institutions of higher-learning, develop and adopt agency rules regarding the access of CPI that is maintained by the agency. The law specifies several requirements that agencies must incorporate into their rules concerning the handling of CPI, including but not limited to: defined criteria used to determine an employee’s level of access to CPI and a list of the valid reasons as to when employees are permitted to access CPI; a procedure for logging and recording employee access to CPI and the requirement that a password or other authentication must be used to access CPI stored electronically; that agencies designate an employee to serve as the data privacy point-of-contact who ensures that CPI is properly protected; the requirement that agencies must provide on demand to an individual, a detailed listing of all CPI maintained by that agency concerning that individual, unless the CPI relates to an investigation; and a policy that requires agencies to notify individuals whose CPI has been accessed for an invalid reason.

Ohio Revised Code §1347.15 requires all applicable state agencies to establish a training program for all employees who access, or who supervise employees who access, or who

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<sup>3</sup> Report of Investigation #2008299.

authorize employees to access, confidential personal information, so that all employees are made aware of all statutes, rules, and policies governing access to such information.

In response to this requirement, OBWC implemented Memo 4.42 *Confidential Personal Information (CPI) Access and Logging*, revised and reissued in July 2013<sup>4</sup> and September 28, 2015, 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.

Ohio Revised Code §4123.88 and OBWC policies state that injured worker claim information is confidential and only available to parties of the claim or individuals authorized to access the information. Ohio's injured workers have a right to expect their claim information will not be disclosed in an unauthorized manner. Both the Ohio Bureau of Workers' Compensation and Office of the Ohio Inspector General have taken measures to protect all injured worker information obtained in furtherance of this investigation.

#### *Code of Ethics for OBWC Employees*

The Office of the Ohio Inspector General reviewed OBWC Memo 1.01 *Code of Ethics* revised and reissued on September 1, 2015.<sup>5</sup> OBWC Memo 1.01 incorporates Ohio Administrative Code Chapter 4123-15, and serves as the Code of Ethics for OBWC employees. Ohio Administrative Code §4123-15-03 (B)(1)(j) prohibits the use or disclosure of confidential information protected by law, and §4123-15-03 (G) states, in part:

... The overall intent of this code of ethics is that employees avoid any action, whether or not prohibited by the proceeding provisions, which result in, or create the appearance of:  
(1) Using public office for private gain, or (2) Giving preferential treatment to any person, entity, or group.

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<sup>4</sup> OBWC initially issued this policy on June 1, 2011.

<sup>5</sup> OBWC initially issued this policy in August 2007 and revised it in February 2008 and October 2012.

*Company Employee Claims (COEMP) and Special Handling Claims Policies*

The Office of the Ohio Inspector General also reviewed OBWC policies concerning Company Employee claims (COEMP) and Special Handling claims which explain and define for OBWC employees the requirements for accessing claim files that involve current or former OBWC employees and others. Company Employee claims are defined by OBWC as:

- All claims past, present or future pertaining to current and former Bureau of Workers' Compensation and Industrial Commission (BWC/IC) employees and his/her spouses; and
- Claims for all persons residing in the employee's home; and
- Policy (risk) numbers for the groups determined to be COEMP (e.g., an employee (past or present) who owns his/her own business).

Special Handling claims are defined by OBWC as:

- All claims past, present, or future pertaining to relatives (whether by blood or marriage) of current BWC/IC employee not residing in the residence, (e.g., parents, children, siblings, grandparents, in-laws, aunts and uncles);
- All claims past, present, or future pertaining to relatives (whether by blood or marriage) of former BWC/IC employees not residing in the residence, for example parents, children, siblings, grandparents, in-laws, aunts and uncles as determined by the service office manager;
- All 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;
- Any other claim so deemed by the service office manager;
- Also may include policy (risk) numbers for a group determined to be Special Handling (e.g., a relative who own his/her own business, which may require special handling).

The COEMP or Special Handling policy states, in part;

When a BWC or IC employee has knowledge (actual or constructive) of a COEMP or Special Handling claim or policy number, he or she shall either promptly notify his or her immediate supervisor or contact the Special Claims supervisor via the COEMP/Special

Handling request e-mail box to have the claim or policy flagged appropriately and reassigned.

### **INVESTIGATIVE SUMMARY**

On April 10, 2018, the Office of the Ohio Inspector General received a notification from OBWC alleging that Claims Specialist Supervisor Brenda Branum accessed the claims file<sup>6</sup> of an injured worker, who was also her landlord, without a valid business reason. On May 10, 2017, the injured worker filed a civil lawsuit against Branum, citing landlord/tenant issues.

Investigators later determined that, contrary to what was described in the complaint as the relationship between the parties, Branum was in fact the landlord and the injured worker was Branum's tenant.

On April 20, 2018, investigators were informed of a pending lawsuit filed by the injured worker against Branum regarding the house she owned. Investigators learned that the injured worker had entered into a lease-to-purchase contract where the injured worker agreed to rent the house owned by Branum for a term of two years beginning on August 1, 2014, and ending on July 31, 2016. The lease included an option to purchase Branum's house at any time during the lease period. However, as the end date of the lease approached, the injured worker asked Branum for additional time to arrange for a loan in order to purchase the house. Branum refused and demanded the injured worker vacate the house.

The Office of the Ohio Inspector General reviewed the OBWC internal claim management system V3, and determined that Branum had accessed the injured worker's claim at the Dayton Service Office a total of 30 times on 22 separate occurrences between May 31, 2014, and February 13, 2018. Twenty of the 30 accesses did not include a note documenting the business reason for the access.

The internal claim management system also revealed that on August 18, 2016, at 8:24 a.m., Branum accessed the injured worker's claim, and changed his address to the address he had prior to moving into Branum's house. There was no note included in this access to indicate the injured

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<sup>6</sup> First instance May 31, 2014

worker requested this change of address. On August 25, 2016, a note was included by Claims Service Specialist (CSS) Lisa Houshel in the injured worker's claim stating the injured worker was complaining that someone had changed his mailing address to an old address and not at his request. The injured worker explained he was without a house or address and requested that his mailing address be changed to a post office box. Houshel completed this request and a letter was generated to notify the injured worker that the address change had been made. However, investigators discovered that this notice was sent to Branum's house and was later returned to OBWC on September 2, 2016, and indexed (included) into the injured worker's claim file on September 6, 2016. On September 7, 2016, the injured worker's claim file showed that Branum had deleted the returned address change notice that was sent to her house.

On May 1, 2018, OBWC Information Technology personnel confirmed that the deleted document, which was the change of address notification sent to Branum's house, was deleted by Branum on September 7, 2016, at 8:20 a.m.

On May 18, 2018, the Office of the Ohio Inspector General and Ohio State Highway Patrol interviewed the injured worker. The injured worker explained that he and his wife had met Branum through their church sometime in April or May of 2014. The injured worker stated that they had told Branum that they were looking to purchase a house and that Branum said she wanted to sell her house. The injured worker told investigators that he also informed Branum he was expecting a settlement from OBWC, and that Branum told him she was an OBWC supervisor and could look into his settlement. The injured worker said that he and Branum entered into a lease-to-purchase agreement for the house owned by Branum, and he moved into the house on August 1, 2014. The injured worker noted that the lease-to-purchase agreement specified that if he wanted to own the house, he must purchase it by July 31, 2016. The injured worker added that at the end of this lease agreement, he failed to obtain the financing needed to purchase the house and requested Branum give him more time. Branum refused to give him an extension and demanded the injured worker leave the house. Branum served the injured worker with a three-day notice to vacate. The injured worker told investigators that he moved out of Branum's house on August 7, 2016. The injured worker said that Branum refused to return his security deposit, so he filed a lawsuit against Branum to recover his security deposit.

The injured worker said he was without a place to live and stayed with a friend until he and his wife could purchase another house. The injured worker's wife stated that on August 16, 2016, she received a text message from Branum advising the injured worker to change his address information with OBWC. The injured worker said that during a visit to the former address he lived prior to residing at Branum's house, he discovered a letter addressed to him from OBWC informing him that his address had been changed to this former address. On August 25, 2016, the injured worker called OBWC and reported that without his request, his address of record had been changed to this former address and was not correct. The injured worker provided OBWC with a post office box number for his mail to be forwarded.

On June 4, 2018, the Office of the Ohio Inspector General and Ohio State Highway Patrol interviewed OBWC Dayton Service Office Manager Sandy Smith-Goff. Smith-Goff is the OBWC claims director for the Dayton office and Branum's supervisor. Smith-Goff stated that on April 2, 2018, she received a subpoena to appear in the Vandalia Municipal Court on April 10, 2018, in a civil matter between Branum and the injured worker. Smith-Goff, not knowing why she received this subpoena, contacted the OBWC legal office. Smith-Goff stated that OBWC legal personnel discovered the landlord/tenant relationship between Branum and the injured worker which resulted in a civil lawsuit. Smith-Goff then conducted an audit of the injured worker's claim file to determine if there were business reasons for Branum to access this injured worker's claim. During this audit, Smith-Goff discovered a notation that the injured worker had complained that someone changed his address. Smith-Goff, when reviewing the deleted documents file, discovered a change of address document that was sent to the injured worker at Branum's address. Smith-Goff said she noticed the address was the same as Branum's address. This change of address notice was advising the injured worker that his address was changed from Branum's address to a post office box; however, this notice was sent to Branum's address. Smith-Goff noted this change of address notification was returned to OBWC on September 2, 2016, and was indexed into the injured worker's claim file on September 6, 2016. On September 7, 2016, this returned notice was then deleted, which moved the document into the deleted part of the document imaging system.

On April 10, 2018, Smith-Goff noted to investigators that she appeared as directed at the Vandalia Municipal Court, however she was not called to testify. She also said Branum never said anything to her about this court case, or why she (Smith-Goff) had been subpoenaed, both before or after the court hearing. Smith-Goff added that Branum never told her that she (Branum) had rented her house to the injured worker.

On June 4, 2018, the Office of the Ohio Inspector General and Ohio State Highway Patrol interviewed Brenda Branum. Investigators informed Branum that she did not have to answer any questions and could have legal representation with her. Branum said she would continue with the interview and decide when to end the interview. Branum told investigators that her position title was injured management supervisor and her duties included supervising three return to work claims service specialists (CSS) and clerical staff. Branum said she had been employed by OBWC since July 1994 and had been a supervisor since 2004. Branum stated that she had no claims assigned to her, but she supervised the CSSs who reviewed claims. She also stated that she reviewed claims assigned to CSSs under her supervision and periodically conducted audits of claims.

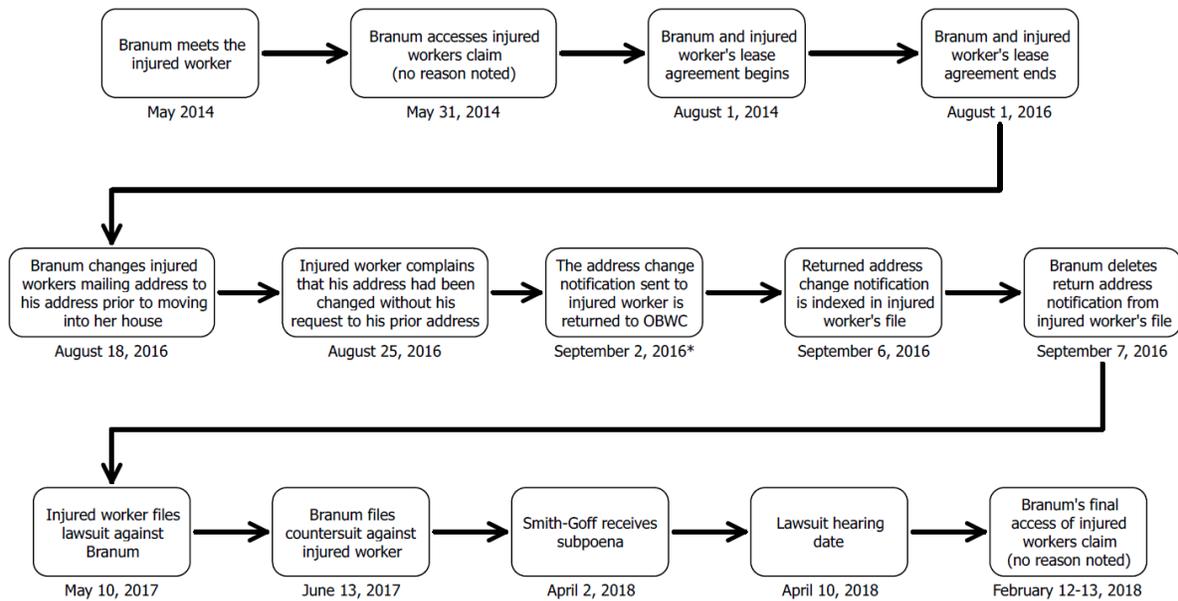
Investigators asked Branum if the injured worker had asked her to access his OBWC claim to review the status of his claim prior to renting her house to him. Branum said she did not recall. Branum noted she did not know the injured worker before renting her house to him, and she met the injured worker through their daughter in-law who attended her church.

Branum asked investigators what accusation or issue initiated the interview with them. Investigators told Branum that the issue pertained to her access of the injured worker's OBWC claim. Branum asked what was filed to initiate the meeting with investigators. Investigators asked Branum if she recalled, as part of the lawsuit between her and the injured worker, being asked why she looked in his claim. Branum said, "my attorney pleaded the fifth amendment on that ... ." At that point Branum indicated she wanted to contact her attorney and the interview was terminated.

Branum rescheduled her interview with investigators and her attorney for July 6, 2018. Branum again described her job duties and confirmed her internal claim management system user identification number. Investigators asked Branum to explain her 30 accesses into the injured worker's file between May 31, 2014, and February 13, 2018. Branum said that she probably made the accesses because she was responding to inquiries from the injured worker or his attorney, or because she was completing audits. Branum was asked how she documented the reasons for her accesses to injured worker claims to show that her accesses were for a business purpose. Branum said, "Well most of time the supervisors we enter notes. Do we do that on all the claims, no because there are times when we could get interrupted and I know that's not entered." Branum said, "... you're going to find that on several claims that I accessed ... not just this claim." Branum said, "if you did an audit of every supervisor for the bureau of workers compensation you're going to see that we do not enter notes on every claim we access." Branum acknowledged to investigators that OBWC employee identification numbers are automatically recorded by the system when a claim is accessed.

Branum admitted that she was familiar with both OBWC CPI and COEMP policies, but she did not report her private business relationship with the injured worker to her supervisor, Smith-Goff, or anyone at OBWC. Branum admitted she did not advise her supervisor of the lawsuit between her and the injured worker or explain to her supervisor why she (Smith-Goff) was being subpoenaed to court regarding her (Branum's) lawsuit, before or after the hearing.

Branum could not explain to investigators as to why on September 7, 2016, she deleted the change of address notice sent to the injured worker at her address, which was returned to OBWC on September 2, 2016, and auto-scanned into the claim on September 6, 2016.



Branum admitted that she printed the injured worker’s file records and stored them in her own personal “... file cabinet in the event that I had issues with the [injured worker] based on a case that I had going on with him,” in 2018.

Investigators requested OBWC provide Branum’s print log records for days when Branum accessed the injured worker’s claim file. Those records revealed that Branum, on August 2, 2016, printed 47 “document1” word files. Branum accessed the injured worker’s claim file at 12:19 p.m. and started printing these documents at 1:51 p.m. Additionally, on February 12, 2018, Branum accessed the injured worker’s claim file at 8:26 a.m.; and at 2:31p.m., she printed a 21-page document named “claim notes and scfd.”

Investigators asked Smith-Goff to search the OBWC Claim Review Tool database, which is an Access program, for any audits completed by Branum on the injured worker. Smith-Goff used the injured worker’s claim number to search for audits completed on the injured worker’s claim beginning with the date of January 1, 2014. For the time period reviewed, Smith-Goff discovered only one audit was completed on the injured worker’s claim, on July 6, 2016, and the audit was completed by another OBWC employee, not Branum.

## **CONCLUSION**

On April 10, 2018, the Office of the Ohio Inspector General received notification from the Ohio Bureau of Workers' Compensation, alleging Claims Specialist Supervisor Brenda Branum had accessed her landlord's injured worker claim file a total of 30 times on 22 separate dates between May 31, 2014, and February 13, 2018. However, investigators learned that in fact, the injured worker was Branum's tenant from August 1, 2014, to August 7, 2016.

All 30 accesses of the injured worker's claim by Branum occurred during a time period when the injured worker and Branum discussed leasing Branum's house, or during the term of Branum's lease of her house to the injured worker, or during a lawsuit initiated by the injured worker against Branum regarding the lease of her house, creating a business or personal relationship with the injured worker. Branum did not notify her immediate supervisor or contact the Special Claims supervisor via the COEMP/Special Handling request e-mail box to have the claim or policy flagged appropriately and reassigned. These actions violate OBWC COEMP and Special Handling Claims Policy Memo 4.21. Of the 30 accesses by Branum of the injured worker's claim, 20 of those accesses did not include a note documenting the business reason for the access which violates OBWC Confidential Personal Information Access and Logging policy # HR-4.42. However, because of the business or personal relationship with the injured worker, Branum had no permissible reason for any of the 30 accesses since any access was precluded by the COEMP and Special Handling Claims Policy.

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

On August 18, 2016, Branum changed the injured worker's address of record from the house she rented to him, to the injured worker's address prior to moving into her rental house, without the injured worker's knowledge. The injured worker reported the incorrect and unrequested change of address to OBWC and requested his mail be sent to a post office box. This address change generated a change of address notification, which was sent to Branum's address. This notification was sent back to OBWC and later Branum deleted the returned notification

from the injured worker's claim. Investigators determined Branum tampered with OBWC records when she changed the injured worker's address without his consent and when she deleted from the injured worker's claim the returned change of address notification that had been sent to her house.

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

OBWC print log records revealed that on February 12, 2018, Branum printed a 21-page document named "claim notes and scfd," after accessing the injured worker's claim file. Branum admitted to printing information contained in the injured worker's claim file for her personal benefit, violating the Code of Ethics for OBWC Employees, Memo 1.01. section (G).

**Accordingly, the Office of the Inspector General finds reasonable cause to believe 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 administrator 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 the employee identified in this report and determine whether administrative action is warranted.
2. Review with employees the importance of following the CPI policy, specifically by noting the business reason for accessing a claim. Also, consider adding to the CPI policy that there can be no permissible business reason under the CPI policy if the COEMP policy precludes any access of the claim by the employee.

3. Review with employees the requirements listed in the COEMP and Special Handling Claims policy.

### **REFERRALS**

The Office of the Ohio Inspector General is forwarding this report of investigation to the Montgomery County Prosecuting Attorney for consideration.



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 #: 2018-CA00020**

**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**  
**October 23, 2018**

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