



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1814

Issued Date: 09/12/2016

Named Employee #1	
Allegation #1	Seattle Police Department Manual 5.001 (10) Employees Shall Be Truthful and Complete In All Communication (Policy that was issued 04/01/2015)
OPA Finding	Sustained
Final Discipline	Had employee not already resigned – Termination

INCIDENT SYNOPSIS

The Named Employee completed an application for Catastrophic Disability Allowance.

COMPLAINT

The complainant alleged that the Named Employee provided false information in an application for Catastrophic Disability Allowance he signed and dated.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Review of private videos

ANALYSIS AND CONCLUSION

The Named Employee is alleged to have provided false information to the Washington State LEOFF Retirement System and their agents in the course of his application for a catastrophic disability retirement. The Named Employee was employed by SPD from July 2001, until July 2015, when he separated from the Department. By a clear and convincing standard, the evidence from this investigation proves that the information provided by the Named Employee in his signed application for disability allowance in May 2015, concerning limitations on his daily activities and basic physical abilities was false and that he knew it to be so. Most compelling is the video evidence and reports from surveillance conducted in May and July of 2015 depicting the Named Employee performing tasks that, in his application for a disability allowance, he claimed he could not. The surveillance reports and accompanying videos show the Named Employee driving for periods exceeding 30 minutes, exiting and entering a car without assistance or mobility issues, walking without impairment for extended periods in stores and a mall, bending at the waist to lift groceries into his vehicle, carrying large buckets and a bag of animal feed to his vehicle, carrying cases of water and an ice chest at an outdoor event, hammering a stake into the ground, and raising both arms above his head. Correspondence between the Named Employee and the Washington Department of Retirement Systems (DRS) clearly document the Named Employee persisting with his claim until at least July 2015. Had his condition improved between when he signed his application for disability benefits in May 2015, and when he was observed performing numerous physical tasks without impairment in late May and early July, the Named Employee had ample opportunity to notify the DRS of the change and withdraw his application.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that Named Employee was not truthful on his application. Therefore a **Sustained** was issued for *Employees Shall Be Truthful and Complete In All Communication*.

Discipline imposed: Had employee not already resigned – Termination

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.