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Using social media to detect workers' compensation fraud

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Did you know that a completed Facebook profile can contain up to 40 pieces of personal information? There are over *169 million* Facebook users in the U.S. alone and over 2.2 billion users worldwide. And that doesn't even include other social media sites.

There is a wealth of information on the internet and social media. In fact, many individuals have a cyber-presence whether or not they ever intended to. This creates a goldmine for claims professionals because investigation can be done without leaving your desk and requires no cost.

Bottom line: If you are not using social media to investigate workers' compensation claims, you are missing out on how to save a whole heap of money.

Social media is quickly becoming a "go-to" resource for employers and claims professionals in the fight against fraudulent claims. Fraud increases premiums for employers, which reduces the money employers can invest in their employees, community and future growth.

According to the National Insurance Crime Bureau, workers' compensation fraud costs exceed $7 billion *per year*. In 2017, the Ohio Bureau of Workers' Compensation saved $41.8 million dollars through its fraud unit's efforts. (See, LOTS of money being saved right there.)

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So, what can you do to protect your company?

First, identify potentially fraudulent claims through these warning signs:

- Monday morning reports of an injury that happened the prior week
- Conflicting descriptions of the alleged incident
- Prior time off for the same body part unrelated to work duties
- No witnesses
- A history of workers' compensation claims
- Frequently changing doctors
- Subjective complaints that are inconsistent with objective findings and tests
- A sudden increase in complaints

If this sounds like your claimant, social media could be very helpful in your decisions regarding the workers' compensation claim.

Social media can be used to catch employees lying about their whereabouts or engaging in activities inconsistent with their alleged disability. It can be used to identify potential witnesses or co-conspirators. And, it can even be used to locate the individual to make traditional surveillance efforts more efficient *and successful*!

Here are a few tips for a valuable social media investigation:

1. **Investigate right away.** The chances of discovering useful information from a claimant's social media page are greater the sooner it is done. Upon learning of a claim or the potential claim, claim adjusters should immediately look into social media to explore posts, status updates, photographs and videos.
2. **Preserve available content.** The purpose of investigating right away is to preserve evidence before the claimant is instructed to remove or hide the content. It is best to print the content or use the "print screen" feature to do this. Additionally, saving or copying the URL link directly from the browser itself is important in case the claimant changes his or her name on the account and if you want to access it later. Regardless of how the name is altered, the URL

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stays the same and will continue to be a helpful resource.

3. **Expand your search beyond the claimant.** Be sure to investigate friends or family of the claimant. These names can be cleverly found within incident reports, recorded statements, medical records and the social media account itself by reading comments or viewing tags. When the claimant hides his or her social media accounts, these secondary accounts can still be useful, because these individuals can reveal information and photographs over which the claimant has no direct control, such as family vacations or everyday activities. Additionally, check out the claimant's hobbies and interests. Often, the pages he or she follows are public and will reveal additional posts made by the claimant.
4. **Only search publicly available content.** As a general rule, there should not be *any* communication with the claimant through a social media site. Claim professionals should not "friend" or "follow" a claimant, nor should they impersonate someone to trick a claimant into releasing personal information. Additionally, lawyers and law firms should always consult the Civil Rules of Procedure, Civil Rules of Professional Conduct and any applicable local rules before engaging in a social media search.

There is no denying social media surrounds us, documenting everything from what we had for breakfast to that embarrassing photo as a kid parents are waiting to display at graduation – and everything in between. Utilizing these tips will help any claims professional or employer know when to look, where to look and how to look at social media to prevent workers' compensation fraud.