



## Using social media to detect workers' compensation fraud

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Did you know that a Facebook profile can contain up to 40 pieces of personal information? Or that there are over *169 million* Facebook users in the United States, with a workforce of only 129 million? Your employees likely use Facebook. And it's why social media is quickly becoming a go-to resource for employers in the fight against fraudulent claims.

**Social media sites are a gold mine for employers, because an investigation can be done without even leaving your desk!**

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

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 through its fraud unit's efforts.

**If you are not using social media to investigate your workers' compensation claims, you are missing out on saving your company money.**

A few tips for a valuable social media investigation are:

1. **Investigate right away.** The chances of discovering useful information and photographs from a claimant's social media page are greater the sooner it is done.
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. Print the content and save or copy the URL directly from the browser. (This is important in case the claimant changes his or her account name. Regardless of how the name is altered, the URL stays the same and will continue to be a helpful resource.)

3. **Expand your search beyond the claimant.** Another tip when using social media to investigate is to investigate friends or family of the claimant. These names can be cleverly found in 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 may reveal information and photographs over which the claimant has no direct control, such as family vacations or everyday activities.
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 that social media is all around us, documenting everything from what we had for breakfast to that embarrassing childhood photo. 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.

# Authors

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