

## **Testimony of Jamie Slone**

U.S. Senate

### **Homeland Security and Governmental Affairs Committee**

October 7, 2013

My name is Jamie Slone. I am 36 years old and I live in Pikeville, Kentucky. I am married and have four children. I currently work in management.

I worked for the Eric C. Conn Law Firm from September 2006 to March 16, 2012.

One of my responsibilities at the Firm was to field calls from Social Security Administration (“SSA”) Administrative Law Judge David B. Daugherty. Each month, Judge Daugherty called and gave the following information for 30-50 Social Security disability claimants represented by Eric Conn: first name, last name, that claimant’s Social Security number, and either “mental” or “physical.”

Judge Daugherty would also call to speak with Mr. Conn on occasion. During these calls, Mr. Conn asked everyone to leave the room so he could talk to Judge Daugherty in private Mr. Conn made such a request for no other person that called to talk to him.

I created a list of these claimants, which was known throughout the office as the monthly “DB List.” Once the list was created, another employee called each claimant on the DB List to schedule an exam with a doctor. During my tenure at the Firm, Jessica Newman was primarily responsible for scheduling claimants. Depending on whether Judge Daugherty indicated “mental” or “physical” for the claimant, Ms. Newman scheduled the claimant to see a certain doctor to provide an opinion on the claimant’s alleged disability.

The Firm initially paid for the doctor evaluation, and each claimant was required to reimburse the Firm for the cost of the evaluation.

During my time at the Firm, a large number of the physical evaluations were performed by Dr. Frederic Huffnagle, until his death in October 2010.

The Firm used ten versions of residual functional capacity forms, also known as an RFC, to submit to Judge Daugherty and other ALJs in support of clients’ cases of physical disability. These same versions were used in rotation regardless of the clients’ medical condition; just the names and Social Security numbers were changed. Dr. Huffnagle did not write or edit the RFC’s, but routinely signed them.

Many of the claimants where Judge Daugherty indicated “mental” were seen by Dr. Brad Adkins. Mr. Conn submitted five RFC’s in rotation to Judge Daugherty and other ALJ’s for claimants for allegations of mental disabilities. Dr. Adkins did not write these RFC’s, but routinely signed them and never requested any edits.

When the medical opinions were completed, Judge Daugherty sent a barcode to the Firm to attach to the reports, which were used to upload the reports into the SSA electronic file system.

After six to eight weeks, Judge Daugherty issued a decision approving the claimant for disability benefits “on-the-record” without holding a hearing.

After the Wall Street Journal ran a story about Judge Daugherty on May 19, 2011 Judge Daugherty frequently called the office for several weeks requesting to speak to Mr. Conn. Mr. Conn refused to speak to Judge Daugherty on the Firm’s phones. Mr. Conn told me that he and Judge Daugherty each bought prepaid cellular phones to communicate with each other. Mr. Conn used several of these phones, purchased from Family Dollar located next to the Firm offices.

Following the Wall Street Journal article, Mr. Conn stated to me and other that “there is no way I am going to jail.” Mr. Conn also stated he considered leaving the United States and going to Cuba to avoid going to jail because he believed he could not be extradited back to the United States from Cuba. Mr. Conn stated “if I was paying DB I wouldn’t be dumb enough to leave a paper trail.”

After the same WSJ story ran, Mr. Conn destroyed certain paper documents despite the advice of his attorney. Mr. Conn destroyed, or directed the destruction of documents, after the SSA OIG interviewed Mr. Conn at his office. Mr. Conn also directed employees to destroy office computers with a hammer and later burning the hard drives. Around the same time Mr. Conn (and other employees at his direction) destroyed a number of medical records for current clients, whose disability claims were pending at SSA.

In 2010, Mr. Conn was out of the office until late in the afternoon one day that I knew he did not have hearings. I confronted Mr. Conn and said “I have a theory about you” Mr. Conn replied “What’s that?” I said “I think that you meet DB once a month and I think that’s where you’ve been today.” Mr. Conn responded “well you know what they say, where there’s smoke, there’s fire.”