

**AFFIDAVIT OF SPECIAL AGENT IN CHARGE MICHAEL MCGILL**

I, Special Agent-in-Charge Michael McGill, with the United States Social Security Administration, Office of the Inspector General, Office of Investigations (SSA OIG OI), Philadelphia, Pennsylvania Field Office, declare under penalty of perjury that the following is true and correct:

1. I have been employed as a Special Agent with SSA OIG OI since June 1997. I conduct investigations involving criminal violations of Title 18 and Title 42 of the United States Code. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. Over the past 26 years, I have conducted hundreds of investigations involving fraud against the Social Security Administration and the programs it administers.
2. In the regular course of performing my official duties on behalf of the SSA OIG OI, I obtained personal knowledge of the below information through standard investigative techniques, including interviews of cooperating witnesses and collection and analysis of records, including those created and maintained by SSA and the Conn Law Firm.
3. On or about February 4, 2011, SSA OIG received a referral alleging an improper relationship between attorney Eric C. Conn and SSA Administrative Law Judge (ALJ) David B. Daugherty. The referral alleged that ALJ Daugherty sought out and reassigned to himself, disability cases where Conn was the representative and granted benefits with little or no evidence in the file.
4. On or about February 4, 2011, employees under my supervision and I were assigned to investigate the Conn allegation. Due to its vast scope and complexity, the investigation

took several years to conduct. The OIG interviewed hundreds of witnesses and examined millions of pages of evidentiary material.

5. Witness interviews along with statements made by Eric Conn and ALJ Daugherty and an analysis of the records obtained during the investigation revealed the following:
  - a. From about October 2004 until at least May 2011, Conn fabricated and completed Residual Functional Capacity (RFC) forms for his clients, ultimately creating approximately 20 template versions of the RFC forms. Fifteen of the template RFC versions pertained to physical limitations, while five of the template RFC versions pertained to mental limitations. The RFC forms are normally meant to convey a claimant's ability to do work-related activities on a day-to-day basis in a regular work setting. Conn or others in his firm completed the forms so that they appeared to satisfy SSA's criteria for establishing disability.
  - b. Within the evidence found in eView, the pre-completed fraudulent physical RFC form signed by doctors Huffnagle, Herr and Ammisetty, are usually found directly following the physical examination report or File Review report in a document titled, "*Physical Medical Assessment.*" The pre-completed fraudulent mental RFC form signed by Dr. Adkins is usually found directly following the Psychological Evaluation report attributed to Dr. Adkins titled, "*Medical Assessment of Ability to do Work-Related Activities (Mental).*"
  - c. Conn or others in his firm also falsified medical summary reports (File Review reports) and X-ray reports so that the reports indicated his clients had limitations considered disabling by SSA, irrespective of the client's actual ability to perform work.

- d. During the course of the conspiracy, each month, ALJ Daugherty called the Conn Law Firm to provide a list of names and social security numbers of claimants for whom he intended to grant benefits the following month. ALJ Daugherty also provided directions on whether he required a physical or mental RFC for each claimant in order to issue an on-the-record decision granting benefits. These lists were called “DB Lists” by the Conn Law Firm staff because “DB” was ALJ Daugherty’s nickname.
- e. Upon receipt of the DB List, Conn Law Firm employees scheduled appointments with one of four doctors on the Conn Law Firm payroll: Alfred Bradley Adkins, Ph.D.; Srinivas Ammisetty, M.D.; Frederic Huffnagle, M.D.; and David P. Herr, D.O. These doctors signed the pre-completed RFC forms without adjustment.
- f. A Conn Law Firm employee randomly selected from the 20 or so pre-completed RFC forms for the claimants, adding their names and social security numbers to the forms without regard to their alleged disability. These templates were used many times. For example, 11 of the pre-completed RFC forms were used over 100 times each. From 2005 through his death in October 2010, Dr. Huffnagle signed over 1,850 fraudulent RFC forms.
- g. For patients examined by Dr. Huffnagle, the Conn Law Firm employee flipped the multi-page RFC forms to their signature pages and stacked them in a pile. Prior to seeing any claimants, Dr. Huffnagle signed all of the forms for the claimants he was scheduled to see that day without looking at or altering the limiting factors pre-completed on the forms. Dr. Huffnagle then conducted a brief examination of

each claimant while his wife, Ziggy took notes from any medical records associated with that claimant in possession of the Conn Law Firm.

- h. Upon completion of the onsite exams, Dr. Huffnagle returned to his residence and used a dictation service to draft his exam reports. Dr. Huffnagle also inserted standard language provided by the Conn Law Firm at the end of almost every physical exam report. The entire paragraph beginning with the sentence, “*The opinions rendered in this case are the opinions of the evaluator... .*” was provided to Dr. Huffnagle by Eric Conn who instructed him to insert the paragraph into each of his exam reports purportedly to give cover to the fraudulent RFC signed by Dr. Huffnagle that accompanied the examination report.
- i. Upon receipt of the exam report, Conn Law Firm employees associated the exam report with the fraudulent RFC report and transmitted them to the Office of Disability Adjudication and Review.
- j. Upon receipt of the fraudulent medical records provided by the Conn Law Firm, ALJ Daugherty almost always issued an on-the-record decision, citing the fraudulent evidence provided by the Conn Law Firm in his decision.
- k. After ALJ Daugherty issued all of his decisions for Conn Law Firm clients each month, he met privately with Eric Conn at a midway point between their offices. During these meetings, Eric Conn paid ALJ Daugherty cash bribes of \$400 for each favorable decision, averaging \$8,000 - \$14,000 per month.
- l. When Dr. Huffnagle became sick in 2010, Eric Conn recruited Doctor David P. Herr to sign the pre-completed template RFC forms previously signed by Dr. Huffnagle. Dr. Herr agreed to sign the fraudulent RFC forms that were randomly

selected by a Conn Law Firm employee without alteration. Dr. Herr began signing the fraudulent RFC forms in July 2010 and continued signing the fraudulent RFC forms until April 2011.

- m. Dr. Herr also completed exams of Conn clients at the Conn Law Firm. Dr. Herr's exam reports from July 2010 through April 2011 are accompanied by fraudulent RFC forms he agreed to sign in return for payment by Eric Conn. From July 2010 through April 2011, Dr. Herr signed over 260 fraudulent RFCs. This process mirrored the process described for Dr. Huffnagle.
- n. Eric Conn also recruited Dr. Srini Ammisetty to sign the pre-completed template RFC forms previously signed by Drs. Huffnagle and Dr. Herr. Dr. Ammisetty signed the fraudulent RFC forms that were randomly selected by a Conn Law Firm employee without alteration. Dr. Ammisetty began signing the fraudulent RFC forms in December 2010 and continued signing the fraudulent RFC forms until March 2011.
- o. Unlike Drs. Huffnagle and Dr. Herr, Dr. Ammisetty completed exams of Conn Law Firm clients at his own office in Kentucky. Dr. Ammisetty's office was located near the Conn Law Firm complex. According to multiple witness accounts, Dr. Ammisetty's exam reports were unacceptable to Eric Conn, so Conn Law Firm employees essentially re-wrote and embellished the physical exam reports and Dr. Ammisetty signed them without alteration, along with the fraudulent RFC forms in return for payment by Eric Conn. From December 2010 through March 2011, Dr. Ammisetty signed over 40 fraudulent RFC forms.

- p. For claimants with alleged mental disabilities, Eric Conn recruited Dr. Bradley Adkins to perform mental evaluations and sign-off on pre-completed templated mental RFCs.
  - q. Beginning in or around 2006, Dr. Adkins began signing pre-completed templated mental RFC forms created by Eric Conn to be sufficiently disabling to qualify for disability payments or benefits. Dr. Adkins' evaluation reports indicated that Dr. Adkins' evaluations spanned three and a half hours and that Dr. Adkins administered IQ tests to claimants, when in reality the evaluations did not last three and a half hours and Dr. Adkins estimated claimants' IQs.
  - r. Dr. Adkins refused to sign the fraudulent RFCs created by Eric Conn until after he was paid for his services. From 2006 through 2011, Dr. Adkins signed over 200 fraudulent mental RFC's that were submitted to SSA by the Conn Law Firm.
  - s. The Conn Law Firm also submitted the fraudulent forms and reports to other SSA ALJs on behalf of its clients.
6. The reliability of my investigatory findings is underscored by the fact that Eric Conn, Judge David Daugherty and Dr. Brad Adkins were convicted of multiple felonies in connection with the scheme, including Theft of Government Property, Paying and Receiving Illegal Gratuities, Mail and Wire Fraud, and Making False Statements to SSA.
- a. As part of his guilty plea (Exhibit A), Conn admitted to fabricating and falsifying RFC forms, medical summary reports, and X-ray reports and paying the above-mentioned medical professionals for their signature on the same.

- b. As part of his guilty plea (Exhibit A), Conn admitted he knowingly and willfully submitted thousands of the fabricated RFC forms, falsified medical summary reports, and falsified X-ray reports to SSA.
  - c. As part of his guilty plea (Exhibit A), Conn admitted to paying SSA ALJ David B. Daugherty to issue favorable decisions to his clients.
  - d. During an SSA OIG interview, Conn said he also paid SSA ALJ Charlie Andrus to issue favorable decisions for his clients.
  - e. As part of his guilty plea (Exhibit B), SSA ALJ David B. Daugherty admitted he sought out Conn's pending cases and accepted money from Conn in exchange for issuing favorable decisions.
  - f. Dr. Brad Adkins was convicted by a jury of his peers for multiple federal charges including conspiracy, mail fraud, wire fraud and making false statements to the Social Security Administration following a criminal trial in 2017.
  - g. Dr. Huffnagle died in October 2010, a few months prior to the OIG's receipt of the allegation that initiated the investigation and was therefore not available to be criminally charged in the conspiracy. The Department of Justice did not seek indictments against Drs. Herr and Ammisetty.
7. As a result of the investigation, SSA OIG referred approximately 3,700 cases to SSA pursuant to Section 1129(l) of the Social Security Act, because, based on a totality of the circumstances, there was reason to believe fraud was involved in the application for benefits, including the provision of evidence, in cases where the beneficiary had been represented by Conn or his firm, and either:

- a. SSA ALJ David B. Daugherty issued a favorable decision on the beneficiary's claim,
  - b. SSA ALJ Charles Andrus issued a favorable, on-the-record decision on the beneficiary's claim, or
  - c. Any SSA ALJ issued a favorable decision on the beneficiary's claim, and the file contained at least one of the following: an RFC form, medical summary report, or X-ray report prepared in a manner consistent with the pattern and practice outlined in paragraph 5, above.
8. "Reason to believe" is defined as reasonable grounds to suspect that fraud or similar fault was involved in the application or the provision of evidence. This standard requires more than a mere suspicion, speculation, or a hunch, but it does not require a preponderance of the evidence.
9. I certify that all reports submitted during the course of my investigation described in this affidavit are true and accurate recitations of the information that I or agents under my supervision gathered.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

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Date

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Michael McGill, Special Agent-in-Charge  
SSA OIG OI