



INVESTIGATION REPORT

Commented [GC(1): Second version of the report received 3/23/23 from Michelle Walker, Audit Director. Report is the same as original, except for "Date investigation closed" is updated to March, and one additional attachment, #27, was added.

See B.1.4 for original attachments, and B.1.10 for attachment #27.

Case Number:	WSP 22-750
Name of Investigator:	Michele Wood, Former Associate Superintendent Jessica Perva, Health Services Investigator 3
Assigned by:	Dr. Zainab Ghazal, Administrator, Health Services, Command C
Date Opened:	February 16, 2022. Reassigned on July 24, 2022.
Date Investigation Closed:	March ,2023.
Referral to Local Law Enforcement:	N/A
Name of Accused:	Donicio Marichalar, Correctional Mental Health Counselor 2 (CMCH2)
Name(s) of Choose an item.	N/A
Origin of Investigation:	This investigation originated when CMHC2 Marichalar failed to submit a leave slip. Upon further review, it was found that leave slips were missing for additional days, which lead to the discovery of the allegations below.
Allegations:	<ol style="list-style-type: none">1. It is alleged that between approximately January 2021 through February 15, 2022, on multiple occasions CMHC2 Donicio Marichalar, was absent from the workplace and failed to provide a leave request upon return to work.2. It is alleged that from approximately January 2021 through May 2022, CMHC2 Donicio Marichalar, failed to complete and submit payroll timecards.
List of Persons Interviewed	Wayne Crowell, Mailroom Sergeant (Sgt.) – Witness Darren Chlipala, Former Health Service Manager (HSM) & current Health Services Administrator (HSA) - Witness Dr. Eric Rainey-Gibson Psychologist 4 – Witness Donicio Marichalar Correctional Mental Health Counselor 2 (CMCH2) – Accused Jean Hardcastle Agency Payroll Officer (APO) – Subject matter expert
List of Persons not Interviewed	Sgt. Derek Dugger. No longer employed as of October 18, 2021.

Witness Summary	<p>Darren Chlipala, Former Health Service Manager (HSM) & current Health Services Administrator was interviewed on March 3, 2022, as a Witness. (Attachment 7)</p> <p>Wayne Crowell, Mailroom Sergeant (Sgt.) was interviewed on March 3, 2022, as a Witness. (Attachment 5)</p>
	<p>Dr. Eric Rainey-Gibson Psychologist 4 was interviewed on March 7, 2022, as a Witness. (Attachment 4)</p> <p>Donicio Marichalar Correctional Mental Health Counselor 2 (CMHC2) was interviewed on March 9, 2022, April 14, 2022, and September 16, 2022, as the Accused. (Attachment 6, 14, 22)</p> <p>Jean Hardcastle Agency Payroll Officer (APO) was interviewed on October 14, 2022, as the payroll subject matter expert.</p>
Timeline	<ul style="list-style-type: none"> • March 29, 2021, CMHC2 Marichalar temporarily assigned to the WSP mailroom. • February 3, 2022, Dr. Rainey-Gibson requests information of days missed by CMHC2 Marichalar from Sgt. Crowell. • February 14, 2022, determination made to assign Just Cause investigation. • February 15 – March 25, 2022, CMHC2 Marichalar was on home assignment. (Attachment 19) • June 24, 2022, investigation reassigned. (Attachment 20)

<p>Information/Evidence Related to Allegations</p>	<p><u>Darren Chlipala, Former Health Service Manager (HSM) & current Health Services Administrator was interviewed as a Witness on March 3, 2022. (Attachment 7)</u></p> <p>HSM3 Chlipala was interviewed as he had compiled a list of days that CMHC2 Marichalar called in sick or late.</p> <p>HSM3 Chlipala explained that the logs he submitted were from the Outpatient Clinic which is where Health Services staff are required to call into if they are going to be late or out sick. The yellow highlighted lines indicate the staff call-ins.</p> <p>When asked how supervisors know their staff have completed leave slips, he stated that supervisors are responsible for their direct reports, but it is the responsibility of the employee to make sure they complete their leave slips. The Washington State Penitentiary (WSP) does not have a tracking mechanism for ensuring leave slips are completed. He went on to say that there is also nothing in place to track the hours a person misses when they call in late. CMHC2 Marichalar does not work in the same building as his supervisors, so it is unknown the number of hours he misses or if he comes to work. (Attachments 7 & 11).</p> <p><u>Wayne Crowell, Mailroom Sgt, was interviewed as a Witness on March 3, 2022. (Attachment 5)</u></p> <p>Sgt. Crowell was interviewed as CMHC2 Marichalar's supervisor during his reassignment to the mailroom pending an investigation.</p> <p>When asked how CMHC2 Marichalar notified him when he would not be to work Sgt. Crowell explained, CMHC2 Marichalar did not always notify him that he was going to be absent. The list of dates that CMHC2</p>
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	<p>Marichalar was gone is based on the days he did not pick up his tools. Sgt. Crowell said he did not know he was supposed to track CMHC2 Marichalar absences, because CMHC2 Marichalar was already working in the Mailroom when Sgt. Crowell was awarded the bid for the Mailroom job, November 6, 2021.</p> <p>According to Sgt. Crowell, CMHC2 Marichalar called in for a variety of reasons; he had COVID; his family had COVID and sometimes the call-ins were weather related. Sgt. Crowell was unsure as to who CMHC2 Marichalar was supposed to turn his leave slips into. (Attachment 5).</p> <p><u>Dr. Eric Rainey-Gibson, Psychologist 4, was interviewed on March 7, 2022. (Attachment 4)</u></p> <p>Dr. Rainey-Gibson was interviewed as CMHC2 Marichalar supervisor prior to CMHC2 Marichalar reassignment to the Mailroom.</p> <p>Dr. Rainey-Gibson stated he had no idea why CMHC2 Marichalar was absent. CMHC2 Marichalar did not call him directly but called the Outpatient Clinic instead. According to Dr. Rainey-Gibson, CMHC2 Marichalar stopped calling in sometime last October 2021.</p> <p>Dr. Rainey-Gibson admitted that there is no tracking mechanism to track how much time someone misses when they call in sick or to verify if they come in later in the day. CMHC2 Marichalar was supposed to email Dr. Rainey-Gibson each day when he came into work and when he left but he didn't.</p> <p>According to Dr. Rainey-Gibson he did not know when CMHC2 Marichalar was at work and when he wasn't. He stated he had no contact with CMHC2 Marichalar after March of last year, after CMHC2 Marichalar was assigned to the Mailroom.</p> <p>When asked if he had anything else to add, Dr. Rainey-Gibson said this is not new behavior for CMHC2 Marichalar. During a review of staff leave usage conducted in 2020 he noticed that there were times CMHC2 Marichalar called in but did not complete leave slips. Dr. Rainey Gibson worked with HR and Payroll to get CMHC2 Marichalar caught up on his leave slips. In mid-2020 Dr. Rainey-Gibson issued a Letter of Concern to CMHC2 Marichalar regarding his attendance issues.</p> <p><u>CMHC2 Donicio Marichalar was interviewed as the Accused on March 9, 2022. (Attachment 6)</u></p> <p>CMHC2 Marichalar stated he missed a lot of time due to COVID and was not aware of the amount of time lost. He acknowledged it is his responsibility to complete leave slips and found it surprising that he did not turn in slips.</p>
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CMHC2 Marichalar said he did not believe he had to complete timecards once he was reassigned to the Mailroom.

He also added that he was told to call in to the Mailroom Sgt. if he was not going to be to work and for his leave. **(Attachment 6)**

CMHC2 Donicio Marichalar was interviewed again on April 14, 2022. (Attachment 18)

CMHC2 Marichalar was interviewed again to clarify some of his original answers and seek clarification of his understanding of the process for submitting leave requests as well as his understanding of the consequences for not submitting leave requests.

On two occasions he was waiting to talk to the Mailroom Sgt. on how to fill out leave slips for Covid and how to file for L&I for Covid.

CMHC2 Marichalar states, he knows he has been completing leave slips, that he would be stupid for not turning them in. At the end of the interview, he said he was flabbergasted that he did not complete the leave slips.

CMHC2 Marichalar acknowledged he is responsible for turning in leave slips for time missed. He also acknowledged that failing to turn in leave slips makes it look like he is stealing from the state. He still could not provide an explanation as why he did not turn in leave slips. CMHC2 Marichalar stated he has been completing leave slips but could offer no explanation as to why they were not showing in the system.

CMHC2 Marichalar said, he was told by HSM1 Crystal Abdulwahid to stop calling into the Outpatient Clinic but instead call the Mailroom Sgt. However, during HSM1 Abdulwahid's interview she, couldn't recall the conversation. HSM1 Abdulwahid said, she would have redirected him to his letter which stated he needed to notify the Mailroom Sgt.

(Attachment 17)

CMHC2 Marichalar stated he has not been turning in timecards since he was reassigned to the Mailroom. He has not received any notices from the timecard system for timecards not submitted. **(Attachment 18)**

CMHC2 Donicio Marichalar was interviewed again on September 15, 2022. (Attachment 21)

Allegation 1:

Prior to my interview with CMHC2 Marichalar, I discovered all additional dates had been accounted for, except the week of January 25-28, 2021, and February 19, 2021. Upon further review January 25-28, 2021, had been noted on CMHC2 Marichalar's approved timecard as "screened out". **(Attachment 16 pg. 5)** I asked CMHC2 Marichalar why he failed to submit a leave request for the 32 hours of absence that week. CMHC2

Marichalar explained that he'd been screened out several times between 2021 and 2022 for none of which he submitted an HRMS leave slip. CMHC2 Marichalar said, *"When I returned after having COVID, I was never asked to submit a leave slip or claim those hours. It was my understanding when you get COVID and are screened out the screener and/or contract nurse who would contact me would then relay that information to HR and/or my supervisor and the time I was out would be accounted for."* I was able to contact WSP Mapping and gather all the dates CMHC2 Marichalar was screen out between January 2021 and August 2022. **(Attachment 20)** On February 19, 2021, CMHC2 Marichalar noted on his approved timecard 1.5 hours of leave, HRMS shows not leave slip for that date. **(Attachment 16 pg.6)** I asked CMHC2 Marichalar if he could account for that date and the missing leave slip? CMHC2 Marichalar said, *"I don't recall. This was 20 months ago."*

Mapped out dates:
January 22-29, 2021
February 1-4, 2022
February 8-9, 2022

Allegation 2:

When I asked why he failed to submit timecards between March 16, 2021 – September 15, 2022, CMHC2 Marichalar said, *"I don't know"* *"During my reassignment I wasn't submitting timecards just leave slips."* CMHC2 Marichalar was reassigned to the mailroom on March 29, 2021. **(Attachment 3)** I asked CMHC2 Marichalar if he received the auto-generated timecard reminders? CMHC2 Marichalar said, *"No."* CMHC2 Marichalar explained, recently he had been searching for his outlook deleted folder and found several unopened timecard reminders emails. CMHC2 Marichalar couldn't recall seeing these email reminders in his inbox.

Investigators note allegation 1:

Between October 2021 - February 15, 2022, CMHC2 Marichalar was absent 30, eight-hour shifts for a total of 240 hours.

- The dates for those shifts are as follows; 11/5/21, 11/15/21, 11/17/21, 11/24/21, 11/30/21, 12/02/21, 12/03/21, 12/09/21, 12/14/21, 12/20/21, 12/23/21, 1/3/22, 1/5/22, 1/6/22, 1/7/22, 1/10/22, 1/12/22, **1/19/22, 1/21/22, 1/24/22, 1/25/22, 1/26/22, 1/27/22, 1/28/22, 2/1/22, 2/2/22, 2/3/22, 2/4/22, and 2/7/22.** He was also late for work on **1/31/22** and 2/11/22 for a total of 8.3 hours. Bolded dates are confirmed mapped out dates.

(Attachment 8 & 21)

The dollar amount of missed days is \$8,987.52.
(Attachment 13) No leave slips were submitted for the time missed as

outlined above. **(Attachment 9)** Per CMHC2 Marichalar letter assigning him to the mailroom dated March 26, 2021, any scheduled or unscheduled leave was to be authorized by Dr. Rainey-Gibson. The Mailroom Sgt. was also to be notified of any leave. **(Attachment 3)**

During this investigation, it was discovered that there are at least 7 additional days CMHC2 Marichalar was absent and for which he did not turn in leave slips. The following additional dates prepared by Dr. Rainey-Gibson. **(Attachment 11)** The dates are as follows; 1/5/21, 1/14/21, 1/20/21, 1/21/21, 2/17/21, 2/19/21, and 2/22/21. During my review I discovered the only non-accounted for time that shows both on the timecard and on the supervisors, note was 2/19/2021 for an uncounted time of 1.5 hours. The additional dates have corresponding leave slips and approved timecards reflecting the leave in question.

- 1/5/2021 was approved in HRMS and on approved timecard. **(Attachment 10 pg.3)**
- 1/14/2021 Dr. Rainey-Gibson indicates that CMHC2 Marichalar was late however, no leave was submitted for this date and Dr. Rainey-Gibson approved the timecard in TCS with no leave noted for 01/14/2021. **(Attachment 10 pg.4)**
- 1/20/2021 & 1/21/2021 is on the approved timecard and have all been submitted in HRMS. **(Attachment 10 pg. 5&6)**
- 1/25/2021-1/28/2021 timecard shows 32 hours of leave. No HRMS leave request was submitted (Timecard says screened out).
- 2/17/2021 This date is on the handwritten note as late. However, Dr. Rainey-Gibson Approved a timecard that indicated no leave was used on this date and no leave has been submitted in HRMS. **(Attachment 10 pg.7)**
- 2/19/2021 1.5 hours of leave on approved timecard no HRMS submissions. when I asked CMHC2 Marichalar if he could account for this date he replied, "I don't know that was 20 months ago". **(Attachment 10 pg.8)**
- 2/22/2021 This date was on the handwritten note from Dr. Rainey-Gibson. However, no leave reflection on approved timecard and no leave request in HRMS. **(Attachment 10 pg.9)**

Investigators note allegation 2:

CMHC2 Marichalar could provide no justification for failing to submit timecards for the following pay periods.

3/16/2021- No timecard submission

4/1/2021 – No timecard submission

4/16/2021 – No timecard submission

5/1/2021 – No timecard submission

5/16/2021 – No timecard submission

	<p>6/1/2021 – No timecard submission 6/16/2021 – No timecard submission 7/1/2021 – No timecard submission 7/16/2021 – No timecard submission 8/1/2021 – No timecard submission 8/16/2021 – No timecard submission 9/1/2021 – No timecard submission 9/16/2021 – No timecard submission 10/1/2021 – No timecard submission 10/16/2021 – No timecard submission 11/1/2021 – No timecard submission 11/16/2021 – No timecard submission 12/1/2021 – No timecard submission 12/16/2021 – No timecard submission 1/1/2022 – No timecard submission 1/16/2022 – No timecard submission 2/1/2022 – No timecard submission 2/16/2022 – No timecard submission 3/1/2022 – No timecard submission 4/16/2022 – No timecard submission 5/1/2022 – No timecard submission</p> <p><u>Jean Hardcastle Agency Payroll officer was interviewed on October 14, 2022. (Attachment 25)</u></p> <p>APO Hardcastle was asked by the Appointing Authority and Human Resources to determine if a particular set of dates had HRMS leave slips submission. APO Hardcastle audited CMHC2 Marichalar leave and created an excel spreadsheet. (Attachment 26) APO Hardcastle explained that several of the dates provided had been affected by paid leave accrual dates and possible overpayment to CMHC2 Marichalar. APO Hardcastle explained the accrual process <i>“If leave is taken prior to the 16th of the month that’s when things can become an issue. Accrual is earned when you have 80 hours in pay status. So, if paid leave turns into leave without pay it could push his accrual out further and further.”</i> APO Hardcastle requested a separate meeting with the Appointing Authority to discuss the overpayment and calculate the exact amount owed.</p>
Report of Retaliation:	No retaliation reported.
Attachments:	<ol style="list-style-type: none"> 1. Investigation assignment letters 2. Investigation extension approval 3. CMHC2 Marichalar temporary assignment letter March 26, 2021 4. Dr. Eric Rainey-Gibson interview packet and related emails 5. Sgt. Wayne Crowell interview packet 6. CMHC2 Marichalar interview packet 7. Former HSM3 & current HSA Darren Chlipala interview packet 8. Email thread reflecting work hours missed by CMHC2 Marichalar 9. Report of Leave requests for CMHC2 Marichalar March 2021-October 2021

	<ul style="list-style-type: none">10. Email thread and log of additional hours of work missed by CMHC2 Marichalar with no leave requests11. Dates CMHC2 Marichalar was not at work by Dr. Rainey-Gibson12. Date Sgt. Crowell was assigned to Mailroom email13. Email confirming CMHC2 Marichalar did not fill out timecards and CMHC2 Marichalar salary14. CMHC2 Marichalar PDP for 3/1/19 through 3/1/202015. CMHC2 Marichalar PDP for 3/1/20 through 3/1/202116. Timecards17. Email regarding directions for reporting absences18. CMHC2 Marichalar second interview packet19. Home assignment20. WSP/DOTS mapping dates21. CMHC2 Marichalar third interview packet22. HRMS leave slips23. Late timecard reminder email24. Timecard System Employee User Guide25. APO Jean Hardcastle interview packet26. Leave audit spreadsheet27. COVID leave protocol
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Commented [GC(2)]: Addition to original investigation report.

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Case: WSP22-750
Revision date: 9-26-2022