

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO. 11-180

v.

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SECTION: "N"

DONNA MARIE DUHE

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following to support the allegations charged by the government in the one-count Bill of Information now pending against the defendant, **DONNA MARIE DUHE**.

A Special Agent from the Social Security Administration- Office of Inspector General would testify that DUHE filed for SSA Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) on June 24, 2005. She was initially denied benefits, but successfully appealed the decision and on June 20, 2006, SSA sent a "Notice of Award" to DUHE explaining her DIB benefits/amounts she will receive and a pamphlet, "What You Need to Know When You Get Disability Benefits." The pamphlet explains what must be reported and how to report it. Additionally, she received June 27, 2006, a "Notice of Award" explaining her SSI benefits/amounts

she will receive and specific circumstances that are required to be reported to SSA. Some of those specific circumstances include: “income or resources for you or members of your household change, your medical condition improves, or you go to work.”

The agent will further testify that SSA learned that DUHE had been working during the time that she was receiving disability benefits. On March 6, 2009, SSA sent DUHE a notice regarding her earnings. DUHE disputed these earnings in a handwritten letter dated March 12, 2009. Consequently, on July 6, 2009, the agent contacted DUHE’S employer, SCI Management, dba H.C. Alexander Funeral Home, and confirmed that DUHE was currently employed as a full-time Funeral Director Attendant and had been so employed since March 19, 2006. The agent verified that DUHE was paid \$9.27 an hour and was currently still working as a funeral attendant at H.C. Alexander Funeral Home in Norco, Louisiana. After confirming the dates of her employment, the agent identified that due to DUHE’s false statements and failure to report work activities, she fraudulently received a total of \$26,453.80 in benefits that she was not entitled to receive: \$3,888 in SSI and \$22,565.80 in SSA DIB benefits.

DUHE confessed to the agents that she had been working for the funeral home since March 2006 and that she had not notified SSA of her earnings despite knowing she was required to do so. She further admitted that she knew that she was not entitled to the SSA benefits she received in the amount of \$26,453.80. DUHE confirmed that she completed and signed Form SSA-821, Work Activity Report on March 8, 2008, which requested that she tell the SSA about her work since May 2005. In that report, DUHE stated that she had not worked and “still can’t work due to my back condition, leg condition and my depression.” She signed the form which contained the following warning:

ANYONE MAKING A FALSE STATEMENT OR REPRESENTATION OF A MATERIAL FACT FOR USE IN DETERMINING A RIGHT TO PAYMENT UNDER THE SOCIAL SECURITY ACT COMMITS A CRIME PUNISHABLE UNDER FEDERAL LAW.

The government would also introduce the records from SSA to prove that the amount of restitution for the purposes of this offense is approximately \$26,453.80.

DONNA MARIE DUHE
Defendant

Date

ROMA A. KENT
Assistant Federal Public Defender
Attorney for Defendant

Date

DOROTHY M. TAYLOR
Assistant United States Attorney

Date