

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 16-_____**
v. : **DATE FILED: _____**
MIGUEL GUTIERREZ : **VIOLATIONS:**
: **18 U.S.C. § 1343 (wire fraud - 3 counts)**
: **Notice of forfeiture**

INFORMATION
COUNTS ONE THROUGH THREE

(Wire Fraud)

THE UNITED STATES ATTORNEY CHARGES THAT:

INTRODUCTION

At all times relevant to this indictment:

1. The Social Security Administration (“SSA”), an agency of the United States, administered certain government benefit programs for qualified and entitled individuals, pursuant to Title 42, United States Code, Sections 401-433 and 1381-1383f. To facilitate the payment of these benefits to all individuals entitled to them, the SSA also had a Representative Payee program, which authorized the agency to pay recipients’ benefits to a “representative payee,” if and when doing so would be in the interest of the intended beneficiary, including for minor children.

2. Defendant MIGUEL GUTIERREZ was employed as a Claims Representative at a Social Security field office located in Reading, Pennsylvania.

THE SCHEME TO DEFRAUD

3. From in or about October 2015 through in or about December 2015, defendant

MIGUEL GUTIERREZ

devised and intended to devise a scheme to defraud the Social Security Administration and to obtain money from the SSA in the form of Social Security benefit payments intended for third-party beneficiaries by redirecting Social Security benefit payments intended for other individuals into a bank account held by defendant MIGUEL GUTIERREZ.

4. It was the object of the scheme described in paragraph 7 for defendant MIGUEL GUTIERREZ to receive more than \$6,500, but less than \$15,000, in Social Security benefit payments that he was not entitled to receive. Defendant GUTIERREZ actually obtained, through this scheme, approximately \$6,166.66 in Social Security benefit payments that he was not entitled to receive.

MANNER AND MEANS

It was part of the scheme that:

5. On or about October 27, 2015, defendant MIGUEL GUTIERREZ caused an "underpayment" in the amount of \$3,828.41 due to the representative payee of a minor child, identified herein as "A.R.," to be directed into a Green Dot bank account held by defendant GUTIERREZ, instead of to A.R., the proper beneficiary. This payment was deposited into defendant GUTIERREZ's Green Dot bank account as described in Count One below.

6. Beginning on or about October 27, 2015, and continuing through on or about December 1, 2015, defendant MIGUEL GUTIERREZ altered the Social Security records for an individual identified herein as "R.G." The information available to the Social Security

Administration prior to October 27, 2015 was that R.G. was dead, and accordingly, R.G.'s record had been placed in "suspense," meaning no Social Security benefits were being issued, until the status of R.G. could be verified by the Social Security Administration.

7. Defendant MIGUEL GUTIERREZ, using his access as a Social Security employee, altered and caused to be altered the records for beneficiary R.G. in order to place R.G. back into "payment" status, so that Social Security benefits intended for R.G. would again be issued by wire transfer. Defendant GUTIERREZ also caused the bank account of record for R.G. with the Social Security Administration to be changed to the Green Dot bank account held by defendant GUTIERREZ. Defendant GUTIERREZ also changed the mailing address of beneficiary R.G. to the home address of defendant GUTIERREZ in Bernville, Pennsylvania. Subsequently, all correspondence from the Social Security Administration regarding payments intended for R.G. were sent to defendant GUTIERREZ's home. Defendant GUTIERREZ received two Social Security benefit payments intended for R.G. as described in Counts Two and Three below.

8. From in or about October 2015 through in or about December 2015 in the Eastern District of Pennsylvania, and elsewhere, defendant

MIGUEL GUTIERREZ

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be transmitted in interstate commerce, by means of wire communication, certain signs, signals and sounds, namely, a wire transfer of funds representing Social Security benefit payments from the SSA intended for third-party individuals to the defendant MIGUEL GUTIERREZ'S bank account, as described below, each transfer constituting a separate count:

<u>COUNT</u>	<u>DATE OF WIRE TRANSFER</u>	<u>DESCRIPTION OF WIRE TRANSFER</u>
1	November 2, 2015	SSA payment of \$3,828.41 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Provo, Utah, to the Eastern District of Pennsylvania.
2	November 9, 2015	SSA payment of \$1,555.25 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Provo, Utah, to the Eastern District of Pennsylvania.
3	December 1, 2015	SSA payment of \$733.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Provo, Utah, to the Eastern District of Pennsylvania.

In violation of Title 18, United States Code, Section 1343.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 1343, set forth in this information, defendant

MIGUEL GUTIERREZ

shall forfeit to the United States of America:

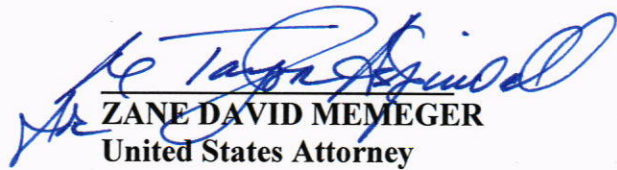
(a) any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense; including but not limited to the sum of \$6,166.66.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 981(a)(1)(C).


ZANE DAVID MEMEGER
United States Attorney