

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 18-
 :
 v. :
 :
 STEVEN MITCHELL : 18 U.S.C. §§ 641 and 2

INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

COUNT 1
[18 U.S.C. § 641 - Theft of Government Funds]

Background

1. At all times relevant to this Information, unless otherwise noted:
 - a. The United States Social Security Administration ("SSA") was an agency of the executive branch of the United States.
 - i. The SSA, among other things, maintained the Survivor Benefits program under Title II, of the Social Security Act, Title 42, United States Code, Section 401 et seq., for eligible individuals. When a person who has worked and paid Social Security taxes dies, certain members of their family may be eligible for Survivor Benefits which are payable by the SSA. Generally, to be eligible for the Title II Survivor Benefits program the beneficiary must be a child of the decedent, at any age, who was disabled before age 22 and remains disabled.
 - ii. The SSA has identified certain individuals who, when receiving benefits from any Title II program, must have a Representative Payee appointed to manage their

funds. Those individuals include, among others, legally incompetent adults and anyone determined by the SSA to be incapable of managing or directing the management of his/her funds. When the SSA determined that a beneficiary cannot manage his Title II benefits, SSA selects a Representative Payee, who must use the payments for the beneficiary's needs and is responsible for receiving and spending benefits on the beneficiary's behalf.

iii. The Representative Payee applicants include someone who was concerned with the welfare of the beneficiary, usually a parent, spouse, close relative, guardian or friend, an institution such as a nursing home or health care provider, a public or nonprofit agency or financial organization and providers or administrative officers at homeless shelters. The Representative Payee applicant must disclose to the SSA his relationship to or responsibility for, the care of the beneficiary before any funds will be paid. The applicant must complete an application and complete a face-to-face interview with the SSA. During the interview with the SSA, prospective Representative Payees are instructed on their duties and responsibilities, and are required to sign an acknowledgement, under penalty of perjury, that they understand their obligation to the beneficiary.

b. Defendant STEVEN MITCHELL was a resident of Marlton, New Jersey.

c. G.E.M. III was defendant STEVEN MITCHELL's brother who suffered qualifying disability. Since in or about November 2009, G.E.M. III received Survivor's Benefits on the Social Security Account number of their mother, S.M. G.E.M. III's Survivor's Benefits were paid by direct deposit into his bank account at Wells Fargo Bank. G.E.M. III was a resident of a long-term facility managed by New Jersey Division of Developmental Disabilities.

The Charge

2. From in or about February 2010 through in or about April 2017, in Burlington County, the District of New Jersey and elsewhere, defendant

STEVEN MITCHELL

did knowingly embezzle, steal, purloin, and knowingly convert to his own use and the use of another, money of the United States and the SSA, that is, approximately \$110,495 in SSA program benefits, namely Child Survivor Benefits payments, to which he was not entitled.

The Scheme

3. On or about November 14, 2009 S.M. died.

4. In or about January 2010, SSA appointed defendant STEVEN MITCHELL as the Representative Payee of his brother. As part of that appointment, the SSA advised defendant MITCHELL of his obligations as a Representative Payee of his brother, including his obligation to use the benefits money to pay for his brother's long term care.

5. At various times after being appointed as the Representative Payee for his brother, defendant STEVEN MITCHELL accessed G.E.M. III's bank account and used the money from G.E.M. III's Survivor's Benefit payments for his own purposes.

6. The total amount of benefits that defendant STEVEN MITCHELL collected to which he was not entitled was approximately \$110,495.

In violation of Title 18, United States Code, Section 641, and Title 18, United States Code, Section 2.


CRAIG CARPENITO
United States Attorney

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