


Approved:   
JANE KIM  
Assistant United States Attorney

Before: THE HONORABLE STEWART D. AARON  
United States Magistrate Judge  
Southern District of New York

**21 MAG 3833**

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: **SEALED COMPLAINT**  
UNITED STATES OF AMERICA :  
:   
- v. - :   
: Violations of  
: 18 U.S.C. §§ 1343,  
: 1028A(a) (1), and 2  
SHAWN PIERRE HOBBS, :  
:   
:   
Defendant. :   
: COUNTIES OF OFFENSE:  
: NEW YORK, BRONX  
:   
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

AARON M. GREENBERG, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Veterans Affairs, Office of the Inspector General ("VA-OIG"), and charges as follows:

COUNT ONE  
(Wire Fraud)

1. From at least in or about January 2019 up to and including at least in or about March 2021, in the Southern District of New York and elsewhere, SHAWN PIERRE HOBBS, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and attempting to do so, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, (a) HOBBS submitted fraudulent military memoranda to his employer, the New York City Department of Corrections ("NYC DOC"), that were purportedly from the United States Department of Defense ("DOD"), Connecticut Army National Guard ("Army National Guard"), and falsely represented that HOBBS had served military duty on hundreds of days on which he, in fact, had not served, in order to obtain paid military leave

from NYC DOC, among other things; and (b) HOBBS transmitted by fax fraudulent employment certifications to the United States Department of Veterans Affairs ("VA") that were purportedly from NYC DOC and falsely represented that he had worked for NYC DOC for hundreds of hours, which he, in fact, had not worked, in order to obtain financial benefits from the VA.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT TWO

(Aggravated Identity Theft)

2. From at least in or about January 2019 up to and including at least in or about February 2020, in the Southern District of New York and elsewhere, SHAWN PIERRE HOBBS, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, in relation to the wire fraud offense charged in Count One of this Complaint, HOBBS used the names, identities, and electronic signatures of an Army National Guard Platoon Leader (the "Platoon Leader") and an Army National Guard Readiness Noncommissioned Officer (the "Readiness NCO") without authorization and in order to submit fraudulent military memoranda to NYC DOC, and the name, identity, and signature of a NYC DOC employee (the "NYC DOC Employee") without authorization and in order to submit fraudulent employment certifications to the VA.

(Title 18, United States Code, Sections 1028A(a)(1) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with VA-OIG. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials and others, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

## Overview

4. Based on my investigation of this matter, and as set forth more fully below, from at least in or about January 2019 up to and including in or about March 2021, SHAWN PIERRE HOBBS, the defendant, executed a fraudulent scheme in order to obtain, among other things, paid military leave from NYC DOC and benefits from the VA under false pretenses. Specifically, HOBBS submitted fraudulent military memoranda to NYC DOC in order to obtain paid military leave for days during which HOBBS falsely represented he was required to perform military duty. These fraudulent military memoranda purported to be from the Army National Guard and falsely represented HOBBS's military obligations, including approximately 545 days of military duty that HOBBS never served. In addition, at the very same time, HOBBS submitted fraudulent employment certifications to the VA -- falsely representing that HOBBS was on duty at NYC DOC -- in order to obtain approximately \$45,370 in VA benefits to which HOBBS was not entitled. These certifications falsely represented that HOBBS had worked approximately 2,501 hours for NYC DOC when he had not, in fact, worked these hours. To effectuate this scheme, HOBBS used the names, identities, and signatures of the NYC DOC Employee and of the Army National Guard Platoon Leader and Readiness NCO without their knowledge or authorization on the fraudulent employment certifications and military memoranda.

### HOBBS Submitted Fraudulent Military Memoranda to NYC DOC

5. Based on my review documents and records provided by the VA, my training and experience, and my involvement in this investigation, I have learned the following, among other things:

a. From at least in or about April 2015 up to and including the date of this Complaint, SHAWN PIERRE HOBBS, the defendant, has served as a soldier in the Army National Guard.

b. Army National Guard soldiers hold civilian jobs or attend school while maintaining their military training part-time. Each fiscal year, Army National Guard soldiers typically perform 48 inactive duty periods and 14 days of active duty. Typically, inactive duty periods occur on the weekends, are four hours long, and two periods are performed in a single day. In addition, Army National Guard soldiers may be required to perform additional training, and they may be mobilized for specific missions or emergencies.

6. Based on my review of documents and records provided by NYC DOC, my conversations with a NYC DOC employee, and my review of publicly available information, I have learned the following, among other things:

a. From at least in or about January 2018 up until the date of this Complaint, SHAWN PIERRE HOBBS, the defendant, was employed by NYC DOC as a corrections officer at Rikers Island ("Rikers") and was a participant in NYC DOC's corrections officer training program. From approximately January to June 2018, HOBBS attended a training academy for NYC DOC corrections officers.

b. Rikers is a NYC DOC jail complex that is located in the East River between Queens and the Bronx, and is located within the Southern District of New York.

c. NYC DOC employees who are members of the military are entitled to a leave of absence while they are engaged in, among other things, the performance of "ordered military duty," including travel to and from such duty. While on such military duty, NYC DOC employees are entitled to paid leave, with certain limitations.

d. NYC DOC employees who are members of the military typically submit their military schedules to a military liaison who then sends the military schedules by email to NYC DOC's headquarters in Queens.

7. Based on my review of records provided by NYC DOC, and my conversations with NYC DOC employees, I have learned the following, among other things:

a. SHAWN PIERRE HOBBS, the defendant, submitted the following documents by email to a NYC DOC military liaison at Rikers, who then forwarded the documents to NYC DOC's headquarters:

i. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated January 9, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills"<sup>1</sup> from January 18 to

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<sup>1</sup> Based on my training and experience and my conversations with other law enforcement officers, I know that "SUTA" is an acronym for "Split Unit Training Assembly," a form of inactive duty training.

January 31, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-1").

ii. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated February 2, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills" from February 4 to February 28, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-2").

iii. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated February 28, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills" from March 1 to March 31, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-3").

iv. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated March 30, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills" from April 1 to April 30, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-4").

v. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated September 25, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills" from June 1 to October 7, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-5").

vi. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated October 9, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills" from October 11 to November 30, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-6").

vii. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated November 18, 2019, purportedly from the Platoon Leader, regarding "Official Military Duty," that stated, in substance and in part, that members of a certain platoon were required to report for "Suta [sic] drills" from December 1 to December 22, 2019, from 12:00 p.m. to 6:00 p.m. each day ("Memorandum-7").

viii. A memorandum bearing the DOD seal and the letterhead of the Army National Guard, Bravo Company 102D Infantry Regiment, dated November 18, 2020, purportedly from the Readiness NCO, regarding "Official Military Duty," that stated, in substance and in part, that HOBBS "is a member of the unit that has been called for duty with the Connecticut Army National Guard during the COVID 19 Pandemic," and that HOBBS "had been working with the Company since 06 Nov 2019-23 Nov 2020" ("Memorandum-8," and together with Memoranda 1-7, the "Memoranda").

b. Together, the Memoranda reflect a total of approximately 656 calendar days<sup>2</sup> of military duty from on or about January 9, 2019, to on or about November 23, 2020. Specifically, Memoranda 1-7 reflect a total of approximately 302 days of inactive duty training and Memorandum-8 reflects a total of approximately 383 days of duty during this time period.

8. Based on my conversations with the Platoon Leader, I understand that the Platoon Leader did not issue Memoranda 1-7, or authorize or approve SHAWN PIERRE HOBBS, the defendant, to issue Memoranda 1-7 on the Platoon Leader's behalf.

9. Based on my conversations with the Readiness NCO, I understand that the Readiness NCO did not issue Memorandum-8, or authorize or approve SHAWN PIERRE HOBBS, the defendant, to issue Memorandum-8 on the Readiness NCO's behalf.

10. Based on my review of records provided by the Army National Guard, I have learned the following, among other things:

a. From on or about January 9, 2019, to on or about November 23, 2020, SHAWN PIERRE HOBBS, the defendant, served approximately 111 calendar days of duty -- not 656 days, as the

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<sup>2</sup> The Memoranda reflect a total of approximately 686 total days of military duty, approximately 30 days of which appear to overlap (*i.e.*, Memorandum-8 provided dates of purported military duty that are also contained in Memoranda 6 and 7).

Memoranda HOBBS submitted falsely represented. Specifically, HOBBS served approximately 40 calendar days of inactive duty training and approximately 71 days of active duty training during this time period.

b. For the dates specified for military duty in Memoranda 1 and 2, that is approximately 39 days, HOBBS did not report for active or inactive duty training with the Army National Guard.

c. For the dates specified for military duty in Memoranda 3 to 8, that is approximately 617 days, HOBBS reported for 12 days of inactive duty training and zero days of active duty training with the Army National Guard.

11. Based on my review of records provided by NYC DOC, and my conversations with a NYC DOC employee, I have learned the following, among other things:

a. From on or about January 28 to March 7, 2019, SHAWN PIERRE HOBBS, the defendant, claimed approximately 212 hours of paid leave from NYC DOC for military duty for which HOBBS did not report for military duty.

b. NYC DOC banks with a bank that is headquartered in Manhattan (the "Manhattan Bank").

12. Based on my review of records provided by a credit union (the "Credit Union"), I have learned that SHAWN PIERRE HOBBS, the defendant, has a bank account (the "Bank Account") at the Credit Union, and that from in or about January to March 7, 2019, HOBBS received five NYC DOC payments totaling approximately \$1,677 from the Manhattan Bank to the Bank Account by direct deposit.

#### HOBBS Submitted Fraudulent Employment Certifications to the VA

13. Based on my training and experience, my conversations with other law enforcement officers, and my review of publicly available information, I know the following, among other things:

a. The VA provides certain benefits to United States veterans under Chapter 33 of the GI Bill ("Chapter 33 Benefits"). A veteran may qualify for Chapter 33 Benefits by working in an approved on-the-job training program. NYC DOC's corrections officer training program is an approved Chapter 33 training program.

b. In order to obtain Chapter 33 Benefits for on-the-job training, the veteran's employer must submit a specific certification form to the VA that lists the number of hours the veteran has worked each month. The VA provides monthly Chapter 33 Benefits in full to veterans who work at least 120 hours per month in an approved training program. For veterans who fail to work at least 120 hours per month, the VA provides reduced Chapter 33 Benefits in proportion to the number of hours the veteran worked.

14. Based on my review of records provided by the VA, my training and experience, and my involvement in this investigation, I have learned the following, among other things:

a. From in or about August 2018 through in or about February 3, 2020, the VA received 23 certifications for SHAWN PIERRE HOBBS, the defendant, by fax and mail (the "Certifications"). The Certifications were received on the approximate dates listed below and certified that HOBBS had worked the following respective number of hours for the months specified:<sup>3</sup>

| Certification Reference Number | Approximate Date Received By the VA | Month(s) / Year(s) Certified  | Hours/ Minutes Worked                  |
|--------------------------------|-------------------------------------|---|--|
| Certification-1                | 08/23/18                            | June 2018<br>July 2018  | 8:31<br>101:56                         |
| Certification-2                | 01/08/19                            | August 2018<br>September 2018<br>October 2018<br>November 2018<br>December 2018<br>January 2019 | 126<br>145<br>165<br>146<br>155<br>139 |
| Certification-3                | 09/24/18                            | August 2018   | 69:07                                  |
| Certification-4                | --                                  | September 2018  | 88:38                                  |
| Certification-5                | 11/23/18                            | October 2018  | 0                                      |
| Certification-6                | 12/27/18                            | November 2018   | 8:31                                   |
| Certification-7                | 01/28/19                            | December 2018   | 42:04                                  |
| Certification-8                | 02/25/19                            | January 2019  | 80:37                                  |
| Certification-9                | 02/14/19                            | February 2019   | 148                                    |
| Certification-10               | 03/05/19                            | March 2019  | 148                                    |
| Certification-11               | 04/01/19                            | March 2019  | 160                                    |

<sup>3</sup> The VA is currently unable to confirm the approximate date it received Certification-4. As discussed below, the highlighted rows in the above chart reflect certifications that are alleged to be fraudulent. The unhighlighted rows reflect certifications that are believed to be authentic.



|                  |          |                              |            |
|------------------|----------|------------------------------|------------|
| Certification-12 | 10/03/19 | March 2019<br>September 2019 | 148<br>162 |
| Certification-13 | 05/01/19 | April 2019                   | 165        |
| Certification-14 | 06/03/19 | May 2019                     | 162        |
| Certification-15 | 07/05/19 | June 2019                    | 160        |
| Certification-16 | 08/08/19 | July 2019                    | 160        |
| Certification-17 | 09/03/19 | August 2019                  | 149        |
| Certification-18 | 11/05/19 | October 2019                 | 168        |
| Certification-19 | 11/05/19 | October 2019                 | 168        |
| Certification-20 | 12/02/19 | November 2019                | 162        |
| Certification-21 | 01/03/20 | December 2019                | 167        |
| Certification-22 | 02/03/20 | January 2020                 | 163        |
| Certification-23 | 02/03/20 | January 2020                 | 163        |

b. The VA received Certifications 1 and 3 to 8 (the certifications believed to be authentic) by United States mail. These certifications represented that HOBBS worked less than 120 hours for each month certified.

c. The VA received Certifications 2 and 9 to 23 (the certifications alleged to be fraudulent) by fax. These certifications represented that HOBBS worked more than 120 hours -- the number of monthly hours a veteran is required to work to receive full Chapter 33 Benefits -- for each month certified.

d. Certifications 1, 3 to 8, and 13 to 19 appear to be signed by HOBBS and include checked boxes next to the following statement: "I CERTIFY THAT the previous statements are true and correct to the best of my knowledge and belief."

e. Each of the Certifications contained the following text: "PENALTY - Willful false reports concerning benefits payable by VA may result in fines or imprisonment or both."

f. Each of the Certifications appears to be signed by the NYC DOC Employee.

15. Based on my review of records provided by NYC DOC and my communications with NYC DOC employees, including the NYC DOC Employee, I have learned the following, among other things:

a. The NYC DOC Employee signed and certified Certifications 1 and 3 to 8.

b. The NYC DOC Employee did not sign or certify Certifications 2 or 9 through 23, nor did the NYC DOC Employee

authorize or approve SHAWN PIERRE HOBBS, the defendant, to sign or certify Certifications 2 or 9 through 23 on the NYC DOC Employee's behalf. Indeed, no certification of benefits was submitted by NYC DOC to the VA from after in or about February 2019.

c. NYC DOC does not send certifications to the VA for hours for which a NYC DOC employee is on military leave.

d. From in or about August 2018 to January 2019, HOBBS worked approximately 288 hours and 57 minutes for NYC DOC. In contrast, in Certification 2, HOBBS represented that he worked approximately 876 hours for NYC DOC.

e. From in or about February 2019 up to and including the date of this Complaint, HOBBS has worked zero hours for NYC DOC. In contrast, in Certifications 9 to 23, HOBBS represented that he worked approximately 1,914 hours and 23 minutes for NYC DOC.

16. Based on my review of documents provided by a telephone service provider for the VA and my review of publicly available sources, I have learned that Certification-12 was faxed to the VA and passed through a switch located in Manhattan.

17. Based on my review of VA records and my communications with a VA employee, I understand that, based on the fraudulent certifications submitted by SHAWN PIERRE HOBBS, the defendant, to the VA, the VA paid HOBBS Chapter 33 Benefits to which HOBBS was not entitled and that totaled approximately \$45,370.

18. Based on my review of documents and records provided by the Credit Union, I understand that SHAWN PIERRE HOBBS, the defendant, received Chapter 33 Benefit Payments by direct deposit into the Bank Account.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of SHAWN PIERRE HOBBS, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

/s/ Aaron M. Greenberg, by SDA with permission

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AARON M. GREENBERG  
Special Agent  
United States Department of  
Veterans Affairs  
Office of the Inspector General

Sworn to before me by reliable  
electronic means this 8th day of  
April, 2021



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THE HONORABLE STEWART D. AARON  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK