


Approved:


 KEVIN SULLIVAN
 Assistant United States Attorney

Before: THE HONORABLE JUDITH C. McCARTHY
 United States Magistrate Judge
 Southern District of New York

- - - - -	X	22 MJ 431
	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	Violations of
- v. -	:	18 U.S.C. §§ 371,
YOHAURIS RODRIGUEZ HERNANDEZ,	:	1028A(a) (1) and (b),
	:	1349, and 2
Defendant.	:	COUNTIES OF OFFENSE:
	:	WESTCHESTER, BRONX
- - - - -	X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

DAVID A. SCHWARTZ, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Wire Fraud)

1. From at least in or around February 2020 up to and including in or around December 2020, in the Southern District of New York and elsewhere, YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and others known and unknown, 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, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18,

United States Code, Section 1343, to wit RODRIGUEZ HERNANDEZ, and others known and unknown, conspired to the use personal identifying information of other persons to fraudulently apply for and obtain unemployment benefits and did so through the use of phone communications and the internet.

(Title 18, United States Code, Sections 1349.)

COUNT TWO
(Conspiracy to Commit Theft of Government Funds)

3. From at least in or around February 2020 up to and including in or around December 2020, in the Southern District of New York and elsewhere, YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, theft of government funds in the form of unemployment insurance benefits, in violation of Title 18, United States Code, Section 641.

4. It was a part and object of the conspiracy that YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their use and the use of another, and without authority sell, convey, and dispose of records, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the United States Department of Labor, which exceeded \$1,000, and receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted.

Overt Act

5. In furtherance of the conspiracy and to effect the illegal object thereof, YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, committed the following overt act, among others, in the Southern District of New York or elsewhere:

a. On or about December 2, 2020 and on or about December 3, 2020, YOHAURIS RODRIGUEZ HERNANDEZ, and others known and unknown, possessed numerous names, dates of births, and social security numbers of other persons used or to be used to fraudulently apply for and obtain unemployment benefits.

b. On or about June 19, 2020, YOHAURIS RODRIGUEZ HERNANDEZ sent a co-conspirator ("CC-1") personal identifying information for an individual ("Individual-1") with

a purported Arizona address, including a name, date of birth, social security number, and email address, in connection with the fraudulent disbursement of unemployment benefits in Individual-1's name into a bank account held by CC-1.

(Title 18, United States Code, Section 371.)

COUNT THREE
(Aggravated Identity Theft)

6. From at least in or about February 2020, up to and including at least in or about December 2020, in the Southern District of New York and elsewhere, YOHAURIS RODRIGUEZ HERNANDEZ, 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, RODRIGUEZ HERNANDEZ transferred, possessed, and used the names, dates of birth, and social security numbers of other individuals in connection with the offenses charged in Count Ones and Two of this Complaint.

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

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

7. I am a Postal Inspector with the USPIS, and I have been personally involved in the investigation of this matter. This affidavit is based on, among other things, my conversations with law enforcement officers and others, my examination of reports and records prepared by law enforcement officers and others, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that 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.

8. As set forth below, there is probable cause to believe that YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, has participated in a scheme that sought to obtain approximately \$1.9 million in unemployment benefits by fraudulently filing for benefits using the names and social security numbers of at least 159 individuals.

COVID-19 Unemployment Assistance

9. Since in or around December 2020, the USPIS, the United States Department of Labor, Office of Inspector General ("DOL-OIG"), and the Social Security Administration, Office of Inspector General ("SSA-OIG") have been investigating a fraud scheme targeting unemployment insurance benefits during the COVID-19 pandemic.

10. Based on my participation in this investigation and my communications with other law enforcement officers, I have learned the following:

a. Unemployment Insurance ("UI") is a state-federal program that provides monetary benefits to eligible lawful workers. Although state workforce agencies ("SWAs") administer their respective UI programs, they must do so in accordance with federal laws and regulations. UI payments (benefits) are intended to provide temporary financial assistance to lawful workers who are unemployed through no fault of their own. Each state sets its own additional requirements for eligibility, benefit amounts, and the length of time benefits can be paid. Generally, UI weekly benefit amounts are based on a percentage of a worker's earnings over a base period. In the State of New York, the New York State Department of Labor ("NYS DOL") administers the UI program.

b. Initially as part of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, UI eligibility was expanded to provide assistance as a result of the ongoing COVID-19 pandemic. In total, more than \$300 billion in additional federal funds for UI benefits have been appropriated since in or about March 2020 ("COVID-19 UI Benefits").

c. The NYS DOL, like other states, offers an online website ("the Website") through which applicants can, among other things, apply for COVID-19 UI Benefits and verify unemployment status, as outlined below. In order to apply for COVID-19 Benefits through the Website, an applicant must complete and submit an online application (the "Application") that includes, among other things, the applicant's name, date of birth, social security number, and address. The NY DOL sometimes requires additional documents, including photo identification. In addition, the applicant can direct that the NY DOL send any approved funds to a specific bank account or to a debit card. The debit cards are issued from a specific financial institution ("Bank-1") to applicants.

d. If the Application is approved, the applicant is required to log on to the Website on a weekly basis thereafter to verify his/her continued unemployment status and efforts to seek employment (the "Verification Process").

e. An applicant may submit a COVID-19 UI Benefits application and complete the required Verification Process through the Website using various electronic devices, including, among others, a laptop or desktop computer, tablet, and/or a cellular device.

RODRIGUEZ HERNANDEZ's and CC-1's
December 3, 2020 Yonkers Arrests

11. Based on my communications with law enforcement officers, my review of reports and records of the Yonkers Police Department ("YPD"), and my own participation in this investigation, I know that, on or about December 3, 2020, YPD officers responded to a 911 call from the front-desk clerk (the "Clerk") of a hotel located on Executive Boulevard in Yonkers, New York (the "Hotel") regarding a collection of suspicious mail found in one of the Hotel's guest rooms. Based on my review of a YPD report and statement of the Clerk taken by YPD, my review of other law enforcement documents prepared in connection with this investigation, and my communications with other law enforcement officers, I learned the following:

a. On or about December 2, 2020, around 10:30 p.m., Hotel staff retrieved from Room 135 a large quantity of suspicious mail after receiving a call from a guest in Room 135 stating, in sum and substance, that some mail had been left in Room 135 by the prior guests. The mail consisted of numerous envelopes from the NYS DOL addressed to many different individuals. The mail appeared to be pre-sorted into bundles secured with rubber bands and other various stacks. Certain envelopes were already open and found to contain what appeared to be debit cards with pin numbers listed.

b. Officer-1, upon being shown by the Clerk the mail, including one of the opened envelopes with a debit card inside, felt several other unopened envelopes, and, based on what he felt, believed those envelopes also contained debit cards. A picture of the mail taken by the Clerk as found in Room 135 is below:



c. The prior guests who had been staying in Room 135 were originally supposed to check out that day but had extended their stay at the Hotel. Room 135 had already been booked for a new reservation starting that day, and so, the prior guests in Room 135 were moved to Room 213.

d. Shortly after the call from Room 135, a female guest from Room 335 ("Individual-1") spoke to the Clerk and explained, in sum and substance, that she was friends with the guests in Room 213, that she was translating for them because they do not speak English, and that they left some items in Room 135 and needed to retrieve them. The Clerk explained to Individual-1 that Room 135 was occupied by new guests and that she would have to wait until morning.

e. At approximately 12:00 a.m. on or about December 3, 2020, Individual-1 called the Clerk and insisted, in sum and substance, that she be able to go to Room 135 and retrieve the items that had been left by her friends in Room 213. The Clerk again explained, in sum and substance, that she could not do so until the morning. After speaking with Individual-1, the Clerk then called 911.

f. Upon responding to the Hotel, Officer-1 and the other responding YPD officers received from Hotel staff a visual description of the guests in Room 213. Officer-1 and another officer proceeded to the second floor of the Hotel to speak to the guest in Room 213. When they reached the second floor, the officers saw two individuals -- a female, who was later identified as YOHAURIS RODRIGUEZ HERNANDEZ, the defendant,

and a male (identified herein as "CC-1") -- who matched the visual description given by Hotel staff, getting onto an elevator. The officers alerted the other responding YPD officers on the Hotel premises.

g. After Officer-1 and the other officer alerted the other responding YPD officers, YPD officers canvassing the parking lot, surrounding grounds and office park in the vicinity of the Hotel spotted two individuals who matched the visual description of the guests in Room 213 given by Hotel staff. The two individuals, later identified as RODRIGUEZ HERNANDEZ and CC-1, were proceeding on foot walking away from the Hotel in the vicinity of the main road of the surrounding office park when they were spotted and stopped by YPD officers.

h. When asked by the YPD officers as to where they were headed, RODRIGUEZ HERNANDEZ and CC-1 told the officers, in sum and substance, that they were headed to a nearby chain restaurant (the "Restaurant") in the surrounding office park to get food. The YPD officers observed, however, that they already appeared to be carrying food takeout containers, and the officers were further aware, based on their familiarity with the Restaurant mentioned and the time being after midnight, that the Restaurant was closed at that point.

i. YPD officers brought a member of the Hotel staff to the location who then identified RODRIGUEZ HERNANDEZ and CC-1 as the guests from Room 213 who were previously in Room 135.

j. YPD officers then, at the direction of the YPD sergeant at the scene ("Sergeant-1"), transported RODRIGUEZ HERNANDEZ and CC-1 back to the Hotel lobby, where they were informed, in sum and substance, that they were being detained pending YPD's ongoing investigation at the Hotel.

k. Upon RODRIGUEZ HERNANDEZ and CC-1 being detained and providing identification, a YPD officer ("Officer-2") searched a brown, luxury-brand handbag that RODRIGUEZ HERNANDEZ had in her possession at the time (the "Brown Handbag"). Inside of the Brown Handbag, Officer-2 found, among other things, photocopies of what appeared to be (1) a Pennsylvania driver's license that did not have the image or name of RODRIGUEZ HERNANDEZ on it, (2) a social security card with the same name as on the driver's license, and (3) a utility bill in the same name as on the driver's license and social security card but addressed to a New York address -- all of which were stapled together. Officer-2 further found a large mail envelope open (the "Envelope") which contained, among other

things, a phone bill not in RODRIGUEZ HERNANDEZ's name with a recipient address and apartment number on Webb Avenue in the Bronx (the "Webb Avenue Address").¹

1. After being detained, CC-1 was observed by YPD officers accessing an iPhone in his possession ("CC-1's Phone") and was instructed multiple times to stop in light of YPD's ongoing investigation at the Hotel and search for other associates of RODRIGUEZ HERNANDEZ and CC-1. Upon further disobeying the officers, Officer-2 seized CC-1's Phone and saw on the screen that CC-1 had navigated to the "Settings" application that allowed the phone user to do a factory reset of the iPhone, which Officer-2 understood would effectively wipe the iPhone. To prevent a factory reset of the iPhone, Officer-2 closed the "Settings" application by swiping upward on the screen, revealing the next application open and in use, which appeared to be the "Deleted" portion of the iPhone "Photos" application, showing recently deleted photos. Officer-2 observed on the screen numerous images of what appeared to be pages with handwriting on them. To prevent any further deletion of photos, Officer-2 closed the "Photos" application by swiping upward on the screen, revealing the next application open and in use, which appeared to be WhatsApp, showing a text chain in Spanish in which Officer-2 recognized the word "policia," which he understood to be a reference to the police.

m. Officer-2 then searched a laptop bag that CC-1 had in his possession at the time (the "Laptop Bag"). Inside of the Laptop Bag, Officer-2 found, among other things, a laptop and a notepad with a blue cover (the "Blue Notepad") with a page visible that had handwritten notes which appeared to reflect multiple individuals' personal identifying information - - such as names, dates of birth, and social security numbers. Officer-2 flipped through additional pages of the Blue Notepad that appeared similar in nature. The handwritten pages also appeared similar in nature to the handwritten pages shown in the recently deleted images in the "Photos" application on CC-1's iPhone.²

12. Based on my communications with law enforcement officers, my review of YPD reports and records, and my own participation in this investigation, I know that at the request

¹ At that point, RODRIGUEZ HERNANDEZ denied that the Envelope was hers and stated, in sum and substance, that CC-1 must have put it in the Brown Handbag.

² At that point, CC-1 denied that the Blue Notepad was his and claimed that RODRIGUEZ HERNANDEZ had sent him the photos of the handwritten pages.

of YPD, federal agents with the USPIS, including myself, and the DOL-OIG, responded both to the Hotel and to a YPD precinct where YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1 were taken. I further know that, after subsequent questioning by the agents of RODRIGUEZ HERNANDEZ and CC-1, separately, and upon both having been read their *Miranda* rights and initially agreeing to waive those rights, law enforcement officers released CC-1 and transferred RODRIGUEZ HERNANDEZ into the custody of Immigration and Customs Enforcement ("ICE") after determining that RODRIGUEZ HERNANDEZ was a non-United States citizen and subject to a prior order of removal issued by an Immigration Judge.³

The Fraudulently Obtained New York UI Benefits

13. Based on my communications with other law enforcement officers, my own participation in this investigation, including my review of the mail recovered from Room 135 of the Hotel, and my review of records and information obtained from the NYS DOL, I know the following regarding the contents of the mail found in Room 135 of the Hotel on or about December 2, 2020 and NYS DOL UI benefit debit cards recovered therein:

a. There were approximately 500 pieces of mail sent by the NYS DOL found in Room 135. Among those pieces of mail, were approximately 76 envelopes determined to each contain a debit card issued to individual UI claimants by Bank-1 at the direction of NYS DOL (the "76 NY UI Claim Accounts").

b. The NY DOL gathered information associated with the 76 NY UI Claim Accounts, including the dates on which the UI claimant applications were submitted; the physical addresses and phone numbers associated with the applications; the internet protocol ("IP") addresses used to complete and submit the applications and/or complete the Verification Process in connection with the applications; and the total amount of

³ Based on my communications with other law enforcement officers, my review of court documents, and my own participation in this investigation, I know that RODRIGUEZ HERNANDEZ has been prosecuted in the United States District Court for the Southern District of New York for illegal re-entry into the United States after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and (b) (2).

COVID-19 Benefits authorized and/or dispersed in connection with the applications.

c. None of the individual claimants for the 76 NY UI Claim Accounts were identified as YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, or CC-1.

d. Approximately 72 of the 76 NY UI Accounts had email addresses associated with the account, and 73 had been accessed online. In numerous instances, the email addresses associated with the accounts appear to be close variations of each other in which a period or number is slightly altered from one address to the next, as shown in the subset of examples below:

P.ER.EZ.C.ARLOS.2580@GMAIL.COM
PEREZCAR.LOS2580@GMAIL.COM
P.EREZ.CARLOS.2580@GMAIL.COM
PE.RE.ZCA.RLOS2580@GMAIL.COM
PEREZ.C.ARLO.S.2580@GMAIL.COM
PERE.ZCARLOS2580@GMAIL.COM
PEREZ.C.A.RLO.S2580@GMAIL.COM
P.E.REZ.C.ARLO.S2.580@GMAIL.COM
P.E.RE.ZCARLO.S2580@GMAIL.COM
PER.EZC.ARL.OS2.580@GMAIL.COM
PEREZ.CARLO.S2.580@GMAIL.COM
PEREZ.C.AR.LO.S2.580@GMAIL.COM
P.EREZ.C.AR.LOS.2580@GMAIL.COM
PE.REZCA.RLOS.2580@GMAIL.COM

Based on my training and experience, I know this to be a common tactic used by the perpetrators of UI benefits fraud to organize and keep track of the numerous email addresses generated and required to illegally access multiple UI benefits accounts on a large scale.

e. Of the addresses listed for the 76 NY UI Claim Accounts, approximately 55 are in the 11368 zip code of New York City. Of those approximately 55, the vast majority of them are on one of the following three streets: Roosevelt Avenue, 41st Avenue, and 42nd Avenue.

f. The authorized aggregate payout of UI benefits across the 76 NY UI Claim Accounts was approximately \$1,520,841. As of the end of in or about December 2020, the aggregate UI benefits paid out to date across the 76 NY UI Claim Accounts was approximately \$406,225.

RODRIGUEZ HERNANDEZ and CC-1's
Participation in the Fraud Scheme

14. Based on my communications with other law enforcement officers and my own participation in this investigation, I know that a federal search warrant was obtained and executed in connection with the Brown Handbag of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, CC-1's Laptop Bag, CC-1's Phone, and, among other devices, an iPhone belonging to RODRIGUEZ HERNANDEZ ("RODRIGUEZ HERNANDEZ's Phone").

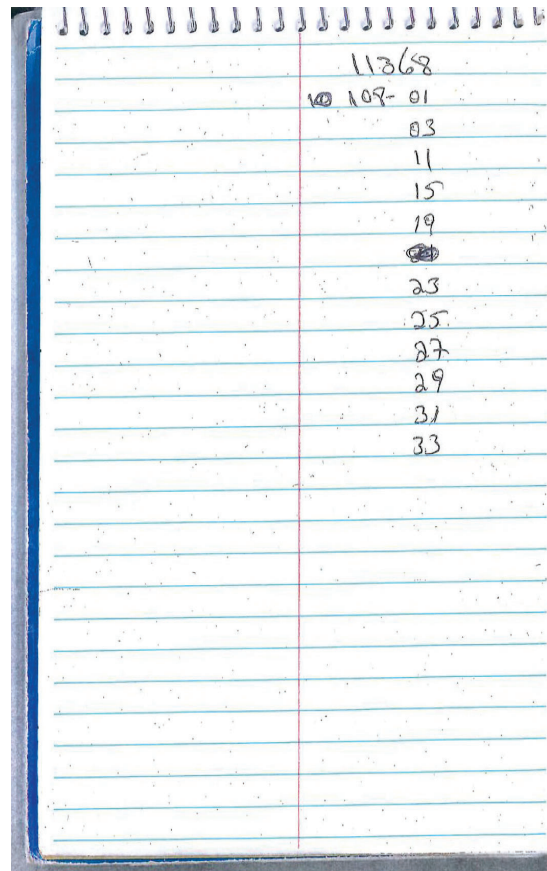
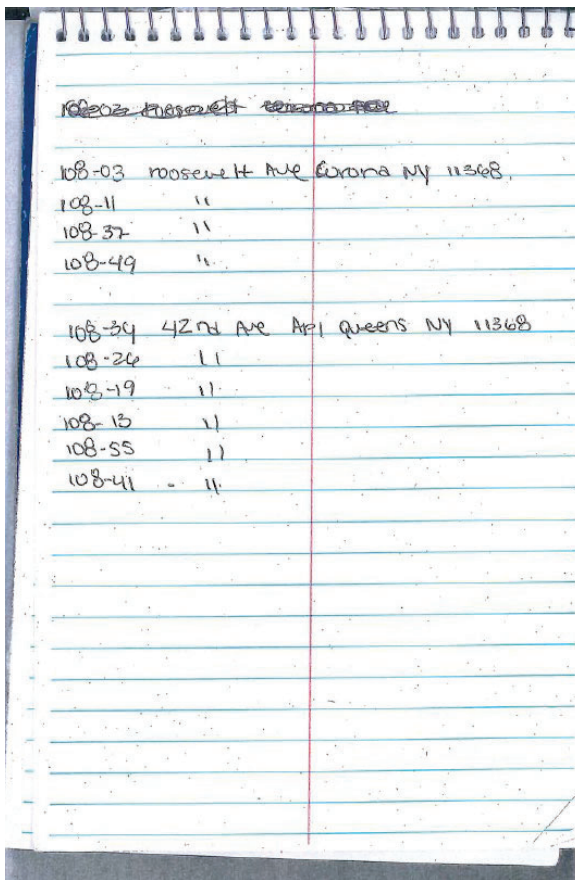
The Blue Notebook

15. Based on my communications with other law enforcement officers, my own participation in this investigation, and my review and examination of pages in the Blue Notebook recovered from the Laptop Bag in the possession of CC-1 at the time of his arrest with YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, by YPD in December 2020, I know the following about the substance of the Blue Notebook:

a. The Blue Notebook has approximately 30 pages of handwritten notes reflecting numerous individual names -- none of whom are that of RODRIGUEZ HERNANDEZ or CC-1 -- alongside what appear to be any or all of the following: dates of births, addresses, social security numbers, and 16-digit numbers written in 4-digit segments that appear to be bank card or financial account numbers.

b. Multiple of the pages are labeled at the top with the names of states, such as New York, Pennsylvania, and Arizona, with some having dates written at the top as well, ranging from in or about February 2020 to in or about July 2020.

c. On two pages there are lists of street address numbers for particular streets in the 11368 zip code of New York City, including Roosevelt Avenue and 42nd Avenue. Multiple of these street address numbers are the same as those listed for multiple of the 76 NY UI Claim Accounts with addresses in the 11368 zip code. Images of the pages are shown below:



Arizona Victim-1

16. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, I know that on or about June 19, 2020 RODRIGUEZ HERNANDEZ sent CC-1 personal identifying information ("PII") for an individual with a purported Arizona address ("Arizona Victim-1"), including a name, date of birth, social security number, and email address. Along with the information sent by RODRIGUEZ HERNANDEZ was the number "8,426" and a bank account number ending in 6486 along with a listed routing number (the "6486 Account").

17. Based on my review of records and information obtained from the U.S. Department of Labor ("DOL"), I know that on or about June 12, 2020, an application for COVID-19 Unemployment Benefits was submitted to the Arizona SWA using the same above-referenced PII and email address sent by YOHAURIS RODRIGUEZ HERNANDEZ, the defendant. I further know that this claim resulted in the disbursement of \$9,960.00 in benefits.

18. Based on my review of records obtained from the financial institution where the 6486 Account is held ("Bank-2"), I know that the 6486 Account is an account at Bank-2 registered to CC-1. I also know that on or about June 17, 2020, a deposit was made into CC-1's 6486 Account from "STATE OF ARIZONA BENEFITPAY" in the amount of \$9,960.00. I further know that, following this deposit, a withdrawal in the amount of \$1,534.00 was made from the 6486 Account, leaving a balance of the benefit disbursement of \$8,426.00, which is the amount listed by YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, in the above-referenced June 19, 2020 text message.

19. Based on my communications with a special agent of the SSA-OIG ("SSA-OIG Agent-1"), who verified the existence of the Arizona Victim-1, I have learned that Arizona Victim-1 does have the social security number and date of birth provided by YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, to CC-1 but has no association with the provided address or any other address in Arizona.

The Wanda C. Gmail, Massachusetts Victims, and Affiliated IPs

20. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, I know that on or about June 22, 2020, CC-1 sent RODRIGUEZ HERNANDEZ multiple images of an internet browser open with webpages displayed that indicated the completion of an identity verification process for "pandemic unemployment assistance" ("PUA") on the "mass.gov" website, which, based on my research and experience, I know is the website through which the Massachusetts SWA administers COVID-19 UI Benefits. These images also show an internet browser tab open indicating that the computer user was also actively logged into the Gmail account WANDACXXXXXXXX@GMAIL.COM (the "Wanda C. Gmail") at the time.

21. Based on my review of records and information obtained from the DOL, I know that eight applications for Massachusetts PUA claims were made between on or about May 21, 2020 and on or about May 23, 2020 and that the purported claimant provided the same Wanda C. Gmail in doing so (the "Eight Applications"). I also know that of the Eight Applications, three resulted in the disbursement of benefit funds totaling approximately \$62,000.

22. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, I know that between on or about June 16, 2020 and June 19, 2020, CC-1 sent RODRIGUEZ HERNANDEZ images of social

security cards with numbers matching the social security numbers listed in the Eight Applications as well as photos of Massachusetts driver licenses with addresses matching the addresses listed in the Eight Applications.

23. Based on my communications with SSA-OIG Agent-1, and his review of SSA database information and further examination of images showing social security cards, I have learned that SSA-OIG Agent-1 determined that the cards, based on their appearance and the presence of other numbering, are fraudulent but do bear true social security numbers matching the listed victims, who SSA-OIG Agent-1 verified exist.⁴

24. Based on my own queries of commercially available and open-source databases, I know that the addresses listed in the Eight Applications have no known association with the eight victims but that listed names and dates of birth match the true victims' information.

25. Based on my review of records and information obtained from the DOL, which provide web browser and IP address information in connection with the Eight Applications for PUA associated with the Wanda C. Gmail, the claims were made using an Opera Web browser, which, based on my research and experience, I know to be a web browser that uses a built-in virtual private network or "VPN" which can conceal the true IP address of the user. I also know that all Eight Applications were made using the Web Opera Browser VPN with an IP address starting with 77.11.246 (the "77.11.246 IP Address"). I further know that between on or about May 7, 2020 and June 22, 2020, at least another 13 additional Massachusetts PUA applications were made using the same Opera Web Browser (the "Thirteen Applications").

26. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, I know that text communications and images sent between RODRIGUEZ HERNANDEZ and CC-1 contained PII and purported identity documents with the same PII and other information used in the Thirteen Applications. Based on my review of records and information obtained from the DOL regarding the Thirteen Applications, I know that five resulted in the disbursement of benefit funds totaling approximately \$69,240.

⁴ Some of the social security cards contain misspelled names that are, nonetheless, a close approximation of the respective victim name's true spelling.

27. Based on my communications with SSA-OIG Agent-1, and his review of SSA database information and my own queries of commercially available and open-source databases, I have learned that the individuals listed as purported claimants on the Thirteen Applications exist but that there is no known association between the true victims and the addresses listed in the Thirteen Applications.

Massachusetts Second Factor Authentication

28. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, I know that on or about June 19, 2020, CC-1 sent RODRIGUEZ HERNANDEZ an image of a social security card and Massachusetts driver license both in the name of a particular individual ("MA Victim-1") as well as a photo of a notebook page with handwritten PII for MA Victim-1. On or about the same day, RODRIGUEZ HERNANDEZ texted CC-1 a Gmail address purportedly for MA Victim-1 (the "MA Victim-1 Gmail"), after which CC-1 responds with an image of a screenshot of the mass.gov PUA website with a message on the site requesting a second factor authentication code sent to the MA Victim-1 Gmail, to which RODRIGUEZ HERNANDEZ then responds providing what appears to be a second factor authentication code.

29. Based on my review of records and information obtained from the DOL, I know that on or about May 20, 2020, a Massachusetts PUA application was made in the name of MA Victim-1 using the same mailing address listed on the driver license and handwritten notebook page shown in the images sent by CC-1 to YOHAURIS RODRIGUEZ HERNANDEZ, the defendant.

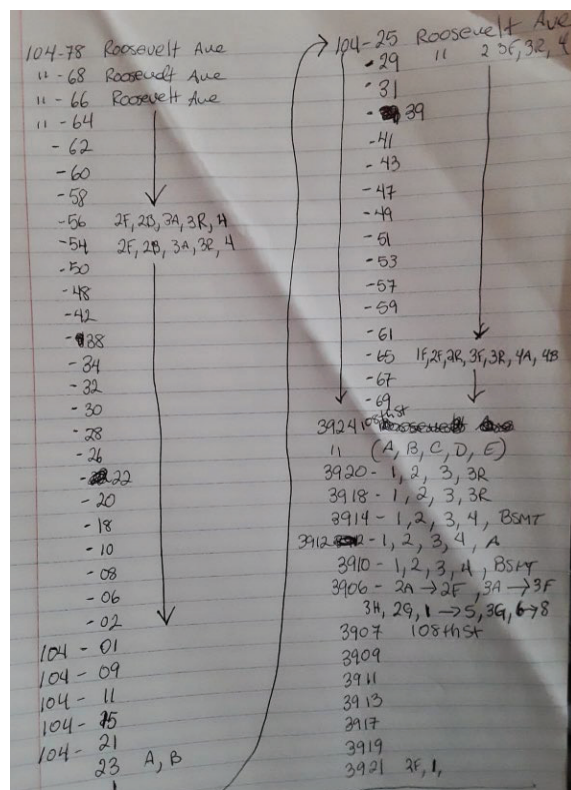
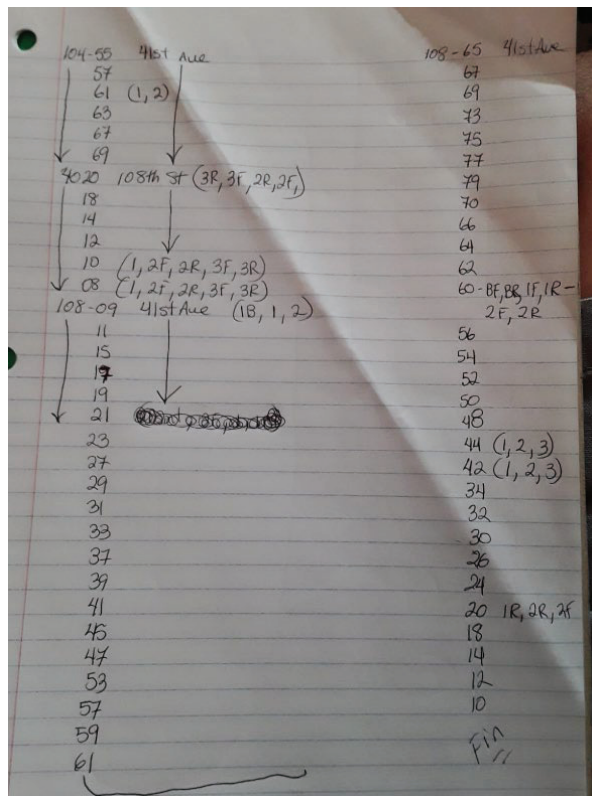
30. Based on my communications with SSA-OIG Agent-1, and his review of SSA database information and further examination of an image showing the social security card listing MA Victim-1, I have learned that SSA-OIG Agent-1 determined that the card, based on its appearance and the presence of other numbering, is fraudulent but does bear a true social security number matching the listed victim, who SSA-OIG Agent-1 verified exists.

31. Based on my own queries of commercially available and open-source databases, I know that the address listed on the application for MA Victim-1 has no known association with MA

Victim-1 but that the listed name and date of birth match the true victim's information.⁵

32. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, and my review of records and information obtained from the DOL, I know that at least six other Massachusetts PUA applications were made using emails and second factor authentication codes that were sent via text communications and/or images between RODRIGUEZ HERNANDEZ and CC-1.

33. Based on my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, I know that on or about July 14 and July 27, 2020, RODRIGUEZ HERNANDEZ sent CC-1, the defendant, images of additional notebook pages, similar to those described above, see ¶ 15(c), *supra*, listing street address numbers for particular streets in and around the 11368 zip code of New York City, including ones that are same as multiple of the of the street addresses listed for the 76 NY UI Claim Accounts. Images of the pages are shown below:



⁵ The name is misspelled on the purported documents but, nonetheless, appears to be a close approximation of the victim name's true spelling.

Total UI Claims Associated with PII in Phone Communications

34. Based on my communications with other law enforcement officers, my review of the contents of the Phone of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and CC-1's Phone, and my review of records and information obtained from the DOL, I know that, in total, RODRIGUEZ HERNANDEZ and CC-1 exchanged text messages, images, and other communications containing PII that included approximately 83 different social security numbers that are associated with applications and claims for COVID-19 UI Benefits made in approximately 11 different states and Puerto Rico and total approximately, \$306,748 in disbursed benefit funds.

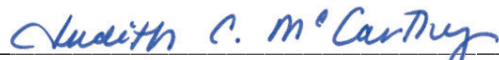
35. Based on the foregoing, I believe there is probable cause to believe that YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, is a participant in a scheme to fraudulently obtain COVID-19 UI Benefits.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of YOHAURIS RODRIGUEZ HERNANDEZ, the defendant, and that she be arrested, and imprisoned or bailed, as the case may be.

/s/ David A. Schwartz by JCM with permission

DAVID A. SCHWARTZ
Postal Inspector
United States Postal Inspection Service

Sworn to me through the transmission of this Complaint by reliable electronic means, this 14th day of January, 2022.



THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York