

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 11-_____**
v. : **DATE FILED: November , 2011**
BEVERLY SIMMONS : **VIOLATION:**
: **18 U.S.C. § 641 (conversion of government**
: **funds – 1 count)**
: **18 U.S.C. 2 (aiding and abetting)**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The Social Security Administration (“SSA”), an agency of the United States, administered certain government benefit programs, including the Survivor’s Insurance Benefit (“SIB”) and the Disability Insurance Benefit (“DIB”) programs, pursuant to Title 42, United States Code, Sections 401-434.
2. The SIB program was an earned-right program funded through Social Security wage taxes. When an individual worked, that individual paid taxes on his or her wages into the Social Security trust fund. If that individual paid sufficient Social Security taxes to earn sufficient “credits,” as that term was defined for purposes of the Social Security Act, his or her surviving spouse was eligible to receive survivor’s insurance benefits after the worker died.
3. SIB payments continued until the worker’s spouse died.
4. The grandmother of defendant BEVERLY SIMMONS, identified in this information as “F.B.,” received SIB benefits during her lifetime. The SSA directly deposited F.B.’s benefits checks into an account at Wells Fargo Bank (last three digits 876), that was

jointly held by defendant BEVERLY SIMMONS and her mother, identified in this information as "M.S.".

5. F.B. died on April 27, 1996.

6. SSA was not timely notified of F.B.'s death and continued to deposit her benefits checks into the account. From April 1996 through January 2009, defendant BEVERLY SIMMONS fraudulently obtained and converted F.B.'s SIB funds.

7. From April 1996 until January 2009, defendant BEVERLY SIMMONS continuously accessed the account and converted the SIB funds deposited into the account, and never notified SSA that F.B. had died.

8. In or about January 2009, almost thirteen years after F.B.'s death, SSA learned that F.B. had died, and terminated her SIB payments.

9. Defendant BEVERLY SIMMONS improperly received and converted to her own use, and aided and abetted M.S. to receive and convert to her own use, approximately \$73,233 in SIB payments that were intended for F.B., who was deceased, which defendant BEVERLY SIMMONS knew she was not entitled to receive.

10. The DIB program was an earned-right program funded through Social Security wage taxes. When an individual worked, that individual paid taxes on his or her wages into the Social Security trust fund. If that individual paid sufficient Social Security taxes to earn sufficient "credits," as that term was defined for purposes of the Social Security Act, his or her dependents were eligible to receive disability insurance benefits under various circumstances.

11. A “disabled dependent child” of a worker who paid sufficient Social Security taxes to become “insured,” as those terms were defined for purposes of the Social Security Act, was eligible to receive disability insurance benefits.

12. DIB payments for the disabled dependent child continued unless the dependent child’s disability improved, or until the dependent child began working or died.

13. The brother of defendant BEVERLY SIMMONS, identified in this information as “S.S.,” received DIB benefits during his lifetime for being a disabled dependent child. The SSA directly deposited S.S.’s benefits checks into an account at Wells Fargo Bank (last three digits 876) that was jointly held by defendant BEVERLY SIMMONS and her mother, M.S.

14. The “surviving spouse” of a deceased “insured” worker who was the parent of the deceased worker’s “disabled dependent child,” as those terms were defined for purposes of the Social Security Act, was also eligible to receive disability insurance benefits.

15. DIB payments for the parent with a disabled child continued unless the dependent child’s disability improved, or until the dependent child began working or died.

16. M.S., the mother of defendant BEVERLY SIMMONS and S.S., received DIB benefits during her lifetime for being the parent of S.S., a disabled dependent child. The SSA directly deposited M.S.’s benefit checks into an account at Wells Fargo Bank (last three digits 795) that was jointly held by defendant BEVERLY SIMMONS and M.S.

17. S.S. died on September 3, 1974.

18. SSA was not timely notified of S.S.’s death and continued to deposit his and M.S.’s benefit checks into the Wells Fargo accounts.

19. From January 1983 through February 2010, defendant BEVERLY SIMMONS fraudulently obtained and converted, and aided and abetted M.S. to fraudulently obtain and convert, S.S.'s DIB funds.

20. From January 1983 through February 2010, defendant BEVERLY SIMMONS fraudulently obtained and converted, and aided and abetted M.S. to fraudulently obtain and convert, M.S.'s DIB funds that M.S. received on the fraudulent basis that M.S. was still a widow with a disabled dependent child, despite the fact that S.S. had previously died.

21. From January 1983 through February 2010, defendant BEVERLY SIMMONS continued to access both Wells Fargo accounts and convert the DIB funds deposited into the accounts, and never notified SSA that S.S. had died.

22. In or about February 2010, over thirty-five years after S.S.'s death, SSA learned that S.S. had died, and terminated his DIB payments and M.S.'s DIB payments for being a widow with a disabled dependent child.


23. Defendant BEVERLY SIMMONS improperly received and converted to her own use, and aided and abetted M.S. to receive and convert to her own use, approximately \$208,622 in DIB payments that were intended to support S.S., who was deceased, which defendant BEVERLY SIMMONS knew that she and M.S. were not entitled to receive.

24. Beginning in or about January 1983 and continuing through in or about February 2010, in the Eastern District of Pennsylvania, defendant

BEVERLY SIMMONS

knowingly received and converted, and aided and abetted the receipt and conversion of, money of the United States in excess of \$1,000, that is, approximately \$73,233 in SIB payments that were intended for F.B., and \$208,622 in DIB payments that were intended to support S.S., both of whom were deceased.

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


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY