

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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CAROL L. MICHEL
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**INDICTMENT FOR THEFT OF
GOVERNMENT FUNDS AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

MICHAEL R. MATHERNE

* CRIMINAL NO.

20-00125

* SECTION:

SECT. MMAG.2

* VIOLATION: 18 U.S.C. § 641

*

* * *

The Grand Jury charges that:

COUNT 1

THEFT OF GOVERNMENT FUNDS

A. AT ALL TIMES MATERIAL HEREIN:

1. The Social Security Administration ("SSA") was an agency or department of the United States responsible for the management of the Social Security program as defined in the Social Security Act.

2. Social Security was a social insurance program that provided eligible applicants with retirement, disability, and survivor benefits.

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3. The SSA operated the Retirement Survivor Insurance Benefit Program (“RSI Program”). The purpose of the RSI Program is to provide benefits to certain persons, including widows and widowers, in their retirement. The RSI Program helps lessen the economic impact of old age, disability, loss of earnings power and reduce a person’s dependency on private and/or public charity.

4. RSI Program funds are self-financing federal funds from the Treasury Trust Funds that receive money generated by dedicated employment taxes (“FICA”) on designated wages and self-employment income.

5. The SSA’s ability to properly determine a beneficiary’s initial and continued eligibility, and the correct monthly benefit, is directly dependent upon SSA’s ongoing access to accurate and current information regarding the beneficiary.

6. On or around January 1993, M.F. applied for and began receiving RSI Program benefits. The SSA sent the benefits to M.F. at her address in Slidell, Louisiana in the form of a paper check.

7. On or about September 24, 2006, M.F. and **MICHAEL R. MATHERNE** (“**MATHERNE**”) were married. In or around July 2012, M.F. became a signatory on **MATHERNE**’s Whitney Bank account ending in 5817.

8. On or about November 3, 2012, M.F. died.

9. **MATHERNE** never advised the SSA of M.F.’s death. The SSA benefits were not transferrable to **MATHERNE**.

10. From December 2012 through March 2019, SSA continued sending checks to M.F., at her home address in Slidell, Louisiana, and **MATHERNE** continued depositing the checks into the Whitney Bank account, ending in 5817.

11. From December 2012 through March 2019, **MATHERNE** received M.F.'s monthly SSA benefits totaling approximately \$75,838, which he deposited into the Whitney bank account, ending in 5817, and used for his living expenses.

B. THE OFFENSE:

Beginning in or about November 2012, and continuing until in or about March 2019, in the Eastern District of Louisiana and elsewhere, the defendant, **MICHAEL MATHERNE**, did knowingly embezzle, steal, purloin, and convert to his use, money belonging to the United States and a department and agency thereof, namely the SSA, to which he knew he was not entitled, when he failed to alert the SSA of the death of his wife M.F., and continued depositing her SSA checks into the Whitney Bank account, ending in 5817, and using the proceeds for his personal benefit in the amount of \$75,838; all in violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

1. The allegation in Count 1 of this Indictment is incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offense alleged in Count 1, defendant, **MICHAEL MATHERNE**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property real or personal which constitutes or is derived from proceeds traceable to said offense.

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

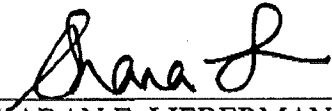
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.



PETER G. STRASSER
UNITED STATES ATTORNEY


SHARAN E. LIEBERMAN
Assistant United States Attorney

New Orleans, Louisiana
November 6, 2020