

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** \* **CRIMINAL NO. 13-100**  
v. \* **SECTION "E"**  
**CRISTINO NUNEZ** \*  
\* \* \*

**FACTUAL BASIS**

The defendant, **CRISTINO NUNEZ**, has agreed to plead guilty to the one count of the information charging him with theft of government money, in violation of Title 18, United States Code, Section 641. Both the government and the defendant, **CRISTINO NUNEZ**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty. The government and the defendant further stipulate that, should this case have gone to trial, the government would have proven, through the introduction of competent testimony and reliable documentary and other evidence, the following facts, beyond a reasonable doubt:

At all times relevant herein, the United States Social Security Administration (SSA) was an agency of the United States created to provide for the general welfare by establishing a system of federal benefits. Specifically, the SSA was responsible for the administration of

numerous programs including, but not limited to, the Disability Insurance Benefits Program (DIB), and Social Security Account Number issuance, reporting, and recording. The purpose of the DIB program is to replace part of an individual's earnings lost because of a physical or mental impairment. As part of this program, monthly benefits may be paid to eligible disabled workers and their families.

As with all social welfare programs, the DIB is vulnerable to loss from fraud and abuse. To ensure the integrity of the DIB program, beneficiaries are required to report to the SSA when they take jobs or become self-employed, regardless of how much they earn. Failure to report a change in resources or other circumstances renders a beneficiary ineligible to continue to receive payments. Beneficiaries are informed of these reporting requirements when they are awarded benefits and remain obligated to report changes in their financial circumstances for as long as they receive benefits.

In addition, when a recipient of DIB benefits is a minor, the SSA may appoint someone, usually a family member, to serve as a representative payee. A representative payee is responsible for handling and taking care of the minor's benefits. A representative payee is required to, among other things, promptly report to the SSA any material changes to the status of the payee and to return any payments to which the claimant is not entitled.

Starting in September 1997, the defendant, **CRISTINO NUNEZ**, was a qualified recipient of, and did in fact receive, DIB benefits administered by the SSA. The defendant was also the representative payee for his three minor children, who were entitled to receive benefits because of his disability. As a recipient of DIB benefits for himself and his children, the defendant, **CRISTINO NUNEZ**, was obligated to report to the SSA when, among other things, he took a job

or became self-employed.

Beginning in or around March 2001, and continuing thereafter through at least July 1, 2011, the defendant, **CRISTINO NUNEZ**, took multiple jobs with various employers in the Eastern District of Louisiana and failed to report these facts or the wages he earned to the SSA. As the defendant well knew, both the amount of his earnings and his failure to report these jobs rendered the defendant and his children ineligible for the DIB and representative payee benefits. Nevertheless, the defendant continued to receive and spend these payments in the Eastern District of Louisiana. In order to conceal his employment and earnings, the defendant obtained a fraudulent social security card bearing a social security number that was not the defendant's true social security number, and presented this card to his employers.

On July 29, 2012, during an interview with an agent of the SSA's Office of the Inspector General, the defendant, **CRISTINO NUNEZ**, stated, in sum and substance, that he had worked for various employers since 2001 and that he did not report this employment to the SSA. The defendant further stated that he purchased and used a fraudulent social security card to conceal his employment and earnings from the SSA.

By engaging in the behavior described above, the defendant, **CRISTINO NUNEZ**, did knowingly steal, purloin, and convert to his own use approximately \$186,917.50 in funds of a

