IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

	:	CRIMINAL NO. 14-____
UNITED STATES OF AMERICA	:	DATE FILED: June , 2014
v.	:	VIOLATIONS:
WILLIAM E. GARDNER	:	18 U.S.C. § 641 (conversion of government funds – 1 count)
	:	42 U.S.C. § 408 (social security fraud - 1 count)

INFORMATION

COUNT ONE

(Conversion of Government Funds)

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"), 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 mother of defendant WILLIAM E. GARDNER, identified in this information as "E.G.," received SIB benefits during her lifetime. The SSA directly deposited

E.G.'s benefits checks into an account at Beneficial Savings Bank (last four digits 6442), that was held by defendant WILLIAM E. GARDNER.

5. E.G. died on May 22, 2005.

6. SSA was not timely notified of E.G.'s death and continued to directly deposit her benefits checks into the account. From on or about May 22, 2005 through in or about January 24, 2014, defendant WILLIAM E. GARDNER fraudulently obtained and converted E.G.'s SIB funds.

7. From in or about May 2005 through in or about January 2014, defendant WILLIAM E. GARDNER continuously accessed the account and converted the SIB funds deposited into the account.

8. In or about January 2014, almost nine years after E.G.'s death, SSA learned that E.G. had died, and terminated her SIB payments.

9. Defendant WILLIAM E. GARDNER improperly received and converted to his own use, approximately $104,615 in SIB payments that were intended for E.G., who was deceased, which defendant WILLIAM E. GARDNER knew he was not entitled to receive.

10. Beginning on or about May 22, 2005, and continuing through in or about January 2014, in the Eastern District of Pennsylvania and elsewhere, defendant

WILLIAM E. GARDNER,

knowingly received and converted money of the United States in excess of $1,000, that is, approximately $104,615 in SIB payments that were intended for E.G., who was deceased.

In violation of Title 18, United States Code, Section 641.

COUNT TWO

(Social Security Fraud - Concealment of an Event Affecting Right to Payment)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One of this indictment are incorporated here.

2. Beginning on or about May 22, 2005 and continuing through in or about January 2014, in the Eastern District of Pennsylvania and elsewhere, defendant

WILLIAM E. GARDNER,

having knowledge of the occurrence of an event affecting E.G.'s continued right to receive Social Security SIB payments, knowingly concealed and failed to disclose such event to SSA with the intent to fraudulently secure such benefits in an amount greater than was due and when no such benefits were authorized. Specifically, in order to continue to receive E.G.'s SIB payments for himself, defendant WILLIAM E. GARDNER concealed from and failed to disclose to SSA that E.G. had died on or about May 22, 2005.

In violation of Title 42, United States Code, Section 408(a)(4).

Peter F Schenck for

ZANE D. MEMEGER
UNITED STATES ATTORNEY