

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 13-____**
v. : **DATE FILED: June , 2013**
RICHARD GORDON : **VIOLATION: 18 U.S.C. § 641**
 : **(conversion of government property – 1**
 : **count)**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The Department of Veterans Affairs (“VA”), an agency of the United States, administered certain government benefit programs, including the provision of healthcare services to qualified veterans of the armed forces as well as non-service connected disability pensions (“VA pension”) pursuant to Title 38, United States Code, Sections 1701-1787 and 1521-1525.
2. The VA pension program is a federally funded program which provides monetary assistance to low-income veterans with non-service connected disabilities and 90 days or more of creditable military service. Qualifying disabled veterans are provided a monthly subsidy based upon the difference between their annual income and a predetermined annual income limit.
3. Pursuant to controlling VA regulations and Title 38, United States Code, Section 5313B, veterans who are fugitives from justice are prohibited from receiving VA healthcare and benefits under the VA pension program while they are in a fugitive status.

4. Defendant RICHARD GORDON was born in 1947 and was issued Social Security Number (“SSN”) XXX-XX-1136 by the Commissioner of Social Security. Defendant RICHARD GORDON served in the United States Marine Corps from July 9, 1969 through August 12, 1970, when he was discharged for having a family hardship.

5. Defendant RICHARD GORDON’s brother, H.G., was born in 1949 and was issued SSN XXX-XX-3721 by the Commissioner of Social Security. H.G. served in the United States Air Force from January 20, 1969 through August 10, 1972, when he was discharged after completing his tour of duty.

6. On May 19, 2003, defendant RICHARD GORDON applied for a VA pension which was granted on August 23, 2003. Beginning in September 2003, the VA sent monthly VA pension benefits to defendant GORDON via check or direct deposit. The payments were made each month until July 2006, when the VA discovered that defendant GORDON was a fugitive felon.

7. On February 20, 2004, defendant RICHARD GORDON was convicted of a felony offense in New Jersey and sentenced to 53 days in jail followed by two years of probation. On May 21, 2004, a warrant was issued for defendant RICHARD GORDON’s arrest for violating his probation. Defendant RICHARD GORDON remained a fugitive felon until the warrant was executed on December 18, 2007.

8. Beginning in June 2004 and continuing through approximately November 2012, defendant RICHARD GORDON used, on occasion, the name, SSN, and date of birth of his brother, “H.G.” to obtain VA healthcare benefits, a VA pension, and to establish bank accounts.

9. Approximately five months after becoming a fugitive felon, on June 9, 2004, defendant RICHARD GORDAN went to a Department of Veterans Affairs Medical Center (“VAMC”), and identified himself as H.G. and used H.G.’s SSN and date of birth in order to receive healthcare treatment. From June 9, 2004, through March 30, 2006, defendant GORDON used H.G.’s identity and received healthcare treatment on numerous occasions from several different VAMCs that he was ineligible to receive because he was a fugitive felon using a false identity. Defendant RICHARD GORDON did not pay for these unauthorized healthcare benefits and the total cost to the government for these services was \$86,538.

10. On August 2, 2004, defendant RICHARD GORDON applied for VA pension benefits under the name H.G., using H.G.’s SSN and date of birth. On the VA application form, defendant RICHARD GORDON also falsely claimed that he had worked for almost 30 years at a business in Morristown, New Jersey, that he had no income, and that he was not receiving any benefits from any source.

11. As a result of defendant RICHARD GORDON’s fraudulent application, on March 9, 2005 the VA awarded a VA pension to “H.G.” and began sending monthly benefits to defendant RICHARD GORDON. Each month, from March 2005 through December 2012, the VA sent VA pension benefits to defendant RICHARD GORDON, who was using H.G.’s identity.

12. Between March 2005 and December 2012, the VA pension benefits were sent either as a check via the United States Postal Service or were directly deposited into a bank account that was opened in H.G.’s name by defendant RICHARD GORDON. United States Department of the Treasury checks that were addressed to H.G. were endorsed and cashed by defendant RICHARD GORDON who would forge H.G.’s signature. Defendant GORDON also

accessed and withdrew money from the bank accounts that he had opened in H.G.'s name and that were receiving the VA pension direct deposits from the VA.

13. In August 2008, defendant RICHARD GORDON sent a letter to the VA requesting that his VA pension benefits be reinstated. After confirming that defendant RICHARD GORDON was no longer a fugitive felon, in February 2009 the VA resumed sending him monthly VA pension benefits. At that time, defendant GORDON failed to notify the VA that he was currently receiving VA pension benefits under the name H.G.

14. From March 2005 through December 2012, defendant RICHARD GORDON received \$92,069.20 in VA pension funds that he was ineligible to receive because he was a fugitive felon using a false identity and was also simultaneously receiving VA pension benefits under two identities.

15. H.G. has never applied for or received a VA pension and has never received healthcare treatment at any VAMC. H.G. has been living in the Netherlands since 1973, and last visited the United States of America in 1998.

16. Between June 2004 and December 2012, defendant RICHARD GORDON improperly received and converted to his own use, approximately \$86,538 in healthcare benefits and \$92,069.20 in VA pension benefits that defendant RICHARD GORDON knew he was not entitled to receive.

17. Beginning in or about June 2004 and continuing through in or about December 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

RICHARD GORDON

knowingly received and converted, property of the United States in excess of \$1,000, that is, approximately \$178,607.20 in healthcare benefits and VA pension payments that he was ineligible to receive.

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


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY