

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 14-_____**
v. : **DATE FILED: September , 2014**
FELIX R. PINERO, : **VIOLATIONS:**
a/k/a "Felix P. Rosario" : **18 U.S.C. § 641 (conversion of government**
: **funds - 1 count)**
: **42 U.S.C. § 1383a(a)(3)(A) (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 Supplemental Security Income ("SSI") program, pursuant to Title 42, United States Code, Sections 1381-1383f (Title XVI of the Social Security Act).

2. The SSI program, which was funded through general tax revenues of the United States, provided monthly cash benefits to individuals who were "disabled" within the meaning of Title XVI of the Social Security Act and who, in addition, were eligible for the program on the basis of financial need, as determined in relation to both "income" and "resources," as those terms were defined in the Social Security Act, Title 42, United States Code, Sections 1382a, 1382b.

3. For purposes of the Social Security Act, the term "disability" meant the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." 42 U.S.C. § 423 (d)(1)(A).

4. The ability of SSA to properly make initial determinations as to both an applicant's medical and financial eligibility for SSI was directly dependent upon SSA's access to accurate and current information regarding that applicant. Moreover, if an applicant initially were found to be eligible, and therefore became an SSI "recipient," SSA's ability to properly determine that recipient's continuing eligibility, and the correct monthly benefit due that recipient, likewise was directly dependent upon SSA's ongoing access to accurate and current information regarding that recipient.

5. SSA required disabled SSI recipients to advise SSA of any changes in their marital status, income, employment status, resources, address, living arrangements, family size and composition, and family income and resources.

6. SSA periodically conducted redeterminations during which SSA required SSI recipients to complete various forms and questionnaires as a means of updating eligibility and benefit level information. These forms and questionnaires, like the initial SSI application, required the recipient to provide accurate and current information regarding income, employment status, and resources. Also like the initial application, these forms and questionnaires again alerted the recipient of his or her continuing responsibility to notify SSA of any changes in his or her circumstances and conditions.

7. SSA used and relied upon the information self-reported by an SSI applicant or recipient regarding his or her marital status, income, employment status, resources, living arrangements, family size and composition, and family income and resources to determine an applicant's or a recipient's eligibility for SSI disability benefits, and also to compute the proper dollar amount of an SSI recipient's monthly benefit.

8. SSI disability payments were terminated if the disabled individual's disability improved, the disabled individual returned to work, or died.

9. In or about August 1965, defendant FELIX R. PINERO applied for and received Social Security number (SSN) xxx-xx-7480 under the name "Felix Pacheco."

10. In or about February 1971, defendant FELIX R. PINERO applied for a second SSN under a false name, "Felix P. Rosario." On his application for a second SSN, defendant PINERO falsely stated that he had never previously applied for a SSN. Based on this false statement, defendant PINERO was issued a second SSN, xxx-xx-7111.

11. In or about August 1982, defendant FELIX R. PINERO changed his name from "Felix Pacheco" to "Felix R. Pinero," and requested and received a replacement card for SSN xxx-xx-7480.

12. In or about November 1986, defendant FELIX R. PINERO applied for and was awarded SSI from SSA under the false name "Felix P. Rosario," using the SSN xxx-xx-7111.

13. From in or about November 1986 through in or about August 2011, defendant FELIX R. PINERO, using the false name "Felix P. Rosario" and SSN xxx-xx-7111, collected monthly SSI payments from SSA. Each month, SSA directly deposited a SSI check into

the Wells Fargo Bank account that defendant PINERO controlled, having opened it using the false “Felix P. Rosario” identity.

14. In or about November 1986, when defendant FELIX R. PINERO began receiving SSI payments from SSA under the false name “Felix P. Rosario,” defendant PINERO was also working and earning income under his true name, “Felix R. Pinero,” using SSN xxx-xx-7480.

15. From in or about November 1986 through in or about September 2008, Defendant FELIX R. PINERO worked and earned income under his true name, “Felix R. Pinero,” using SSN xxx-xx-7480.

16. Defendant FELIX R. PINERO did not notify SSA that he was employed and receiving income under his true name, “Felix R. Pinero,” using SSN xxx-xx-7480, while simultaneously receiving SSI under a second, false identity as “Felix P. Rosario,” using a second SSN, xxx-xx-7111. Therefore, SSA continued to deposit monthly SSI checks payable to “Felix P. Rosario” into a Wells Fargo Bank account that defendant PINERO controlled, which account was in the false name of “Felix P. Rosario.”

17. Defendant FELIX R. PINERO’s undisclosed employment and income made him ineligible to receive SSA SSI payments.

18. In or about September 2008, defendant FELIX R. PINERO, using his true name and SSN xxx-xx-7480, applied to SSA for disability insurance benefits (DIB) and SSI, claiming that he could no longer work and earn income because he was disabled.

DIB and SSI payments from SSA. Each month, SSA directly deposited a DIB and SSI check into a TD Bank account in defendant FELIX R. PINERO's true name.

20. Defendant FELIX R. PINERO did not notify SSA that he was receiving DIB and SSI using his true name, "Felix R. Pinero," and SSN xxx-xx-7480, while he was simultaneously receiving SSI under a false second identity, that of "Felix P. Rosario," using a second SSN, xxx-xx-7111. Therefore, SSA continued to deposit monthly SSI checks payable to "Felix P. Rosario" into the Wells Fargo Bank account in the false name of "Felix P. Rosario" that defendant PINERO controlled, while also depositing monthly DIB and SSI checks into the TD Bank account in defendant PINERO's true name.

21. The undisclosed DIB and SSI received by defendant FELIX R. PINERO made him ineligible to simultaneously receive SSA SSI payments.

22. Defendant FELIX R. PINERO improperly received approximately \$117,135.25 in SSI payments as "Felix P. Rosario" because he was simultaneously working and earning income and/or receiving DIB and SSI as "Felix R. Pinero" and was therefore ineligible for such benefits.

23. From in or about November 1986 through in or about August 2011,
in the Eastern District of Pennsylvania and elsewhere, defendant

**FELIX R. PINERO,
a/k/a "Felix P. Rosario,"**

knowingly converted to his own use money of the United States in excess of \$1,000, that is,
approximately \$117,135.25 in SSI benefits payments, to which the defendant knew he was not
entitled.

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

COUNT TWO

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

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 22 of Count One of this information are incorporated here.
2. Beginning in or about November 1986 and continuing through in or about July 2011, in the Eastern District of Pennsylvania and elsewhere, defendant

**FELIX R. PINERO,
a/k/a "Felix P. Rosario,"**

in a matter within the jurisdiction of the Social Security Administration ("SSA"), willfully, knowingly, and with the intent to deceive, concealed and failed to disclose an event affecting his initial and continued right to SSA benefit payments, in that he concealed and failed to disclose that he was working and earning income and simultaneously receiving SSI and DIB under a separate name and SSN, as he was required to do in order to receive SSA benefit payments.

In violation of Title 42, United States Code, Section 1383a(a)(3)(A).


**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**