

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

* CRIMINAL NO. 21-76

v.

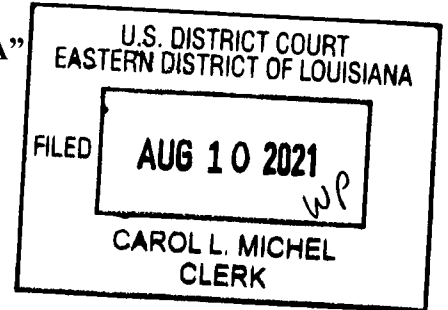
* SECTION: "A"

IGEL CASANOVA GIBBINS

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FACTUAL BASIS

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant.

The government would establish that Social Security was a social insurance program that provided eligible applicants with retirement, disability, and survivor benefits. The Social Security Administration ("SSA") was a government agency responsible for the management of the Social Security program, as defined in the Social Security Act.

The government would establish that the case against **IGEL CASANOVA GIBBINS** ("**GIBBINS**") began after the State of Louisiana complied with a request from SSA to provide the SSA with death data of approximately 1.6 million Social Security number holders who had died in Louisiana from January 1, 1979, through December 31, 2019. As part of that data, the State of Louisiana disclosed that D.C., a participant in the SSA's Retirement Survivor Insurance program ("RSI Program"), died on or about August 16, 2012.

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Unaware of D.C.'s death, the SSA erroneously released approximately \$202,417.00 in RSI Program funds from August 2012 through December 2020, via automatic wire transfers (i.e., direct deposit) to D.C.'s jointly held Capital One Bank ("Capital One") account [REDACTED] **GIBBINS**, D.C.'s daughter, was a joint account holder of the Capital One account [REDACTED]. D.C.'s RSI Program benefits were not transferrable to **GIBBINS**. Following receipt of information from the State of Louisiana confirming D.C.'s death, the SSA informed the SSA Office of Inspector General ("OIG") that the SSA was able to recover \$2,021.00 of D.C.'s RSI Program benefits from the Capital One account [REDACTED].

In early December 2020, **GIBBINS** was informed by Capital One that the joint account [REDACTED] had been debited by an agency of the federal government. In response, defendant **GIBBINS** retained an attorney, Vincent J. Booth, to investigate the basis for Capital One's action. Upon counsel's investigation, which disclosed the death of defendant's father, D.C., and the continuing deposit of social security payments into the joint account, counsel advised **GIBBINS** that the best course of action would be to immediately notify the government of **GIBBINS'** willingness to accept responsibility for her actions, and to take steps to reimburse the government for payments which she should not have received. **GIBBINS** agreed with the course of action proposed by counsel, and she authorized counsel to contact federal law enforcement authorities in order to report the offense.

On December 18, 2020, counsel for **GIBBINS** contacted Brian M. Klebba, Assistant United States Attorney for the Eastern District of Louisiana. **GIBBINS** counsel advised counsel for the government of **GIBBINS'** improper use of the funds deposited into the joint account, and of **GIBBINS'** desire to accept responsibility for her actions, and to provide additional information

which may be helpful in resolving this matter. Prior to December 18, 2020, when counsel for **GIBBINS** contacted the U. S. Attorney's Office, no agency of the United States had commenced a criminal investigation or prosecution of **GIBBINS**.

Following the report to the U. S. Attorney's Office, the SSA-OIG conducted a review of records for the Capital One account [REDACTED]. According to this review, bank statements from July 2012 through December 2020 established the account was jointly held by D.C. and **GIBBINS**, and was titled "[D.C.] / Igel Gibbons, [REDACTED], Montz, LA, 70008." Records further reflected that at the beginning of each month, from August 2012 through November 18, 2020, RSI Program benefits were deposited into the account. From August 2012 through December 2020, other than the RSI Program benefits, **GIBBINS** deposited less than \$10,000.00 into the account.

Following the automatic deposit of RSI Program benefits, **GIBBINS** accessed the funds and wrongfully converted the funds to her own personal use, depleting nearly all account funds. The funds were used on purchase transactions or transfers out of the account to pay bills, for example, such as for mortgage payments and vehicle loan payments. **GIBBINS** never advised the SSA of D.C.'s death.


In total, the government would establish that **GIBBINS** knowingly converted \$200,396.00 in RSI Program benefits intended for D.C. Various records and testimonial evidence, including testimony from representatives of the SSA-OIG and other witnesses would also be admitted to prove the facts set forth above.

Limited Nature of Factual Basis and Conclusion

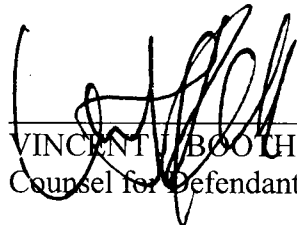
This proffer of evidence is not intended to constitute a complete statement of all facts known by **GIBBINS**, and/or the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for her guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offense by **GIBBENS**.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, *inter alia*, Special Agents and forensic examiners from the Social Security Administration, Office of the Inspector General, and admissible tangible exhibits in the custody of the SSA-OIG.

READ AND APPROVED:


BRIAN M. KLEBBA
K. PAIGE O'HALE
Assistant United States Attorneys

8/10/21
(Date)


VINCENT BOOTH
Counsel for Defendant

8/10/21
(Date)


IGEL CASANOVA GIBBINS
Defendant

8/10/21
(Date)