

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 15-_____
v.	:	DATE FILED: _____
NAKIA CALICAT	:	VIOLATIONS:
	:	18 U.S.C. § 1343 (wire fraud - 10 counts)
	:	18 U.S.C. § 641 (conversion of government
	:	funds - 1 count)
	:	18 U.S.C. § 1001 (false statements – 2
	:	counts)
	:	42 U.S.C. § 408(a)(5) (Social Security
	:	Representative Payee fraud - 1 count)
	:	Notice of forfeiture

INDICTMENT

COUNTS ONE THROUGH TEN

(Wire Fraud)

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times relevant to this indictment:

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.
2. The SSI program, which was funded through general tax revenues of the United States, provided monthly case benefits to individuals who were age sixty-five or over, or who were “disabled” and who demonstrated financial need, as determined by his or her

“income” and “resources,” as those terms were defined for purposes of the Social Security Act. “Disabled” individuals included minor children who had mental or physical disabilities, as defined by SSA, and whose parents’ “income” and “resources” qualified them for SSI benefits on behalf of their minor child.

3. SSI payments continued unless the disabled individual's “disability” improved, or until the disabled individual returned to work or died.

4. The Representative Payee Program authorized SSA to pay recipients’ benefits, including SSI, to a “representative payee,” if and when doing so would be in the best interest of the intended beneficiary. A representative payee was an individual or organization authorized to receive and manage benefits on behalf of someone deemed necessary to have a representative payee, including a minor child. The representative payee was required to use the SSA benefit money for the “current maintenance” of beneficiaries. Current maintenance was defined by the SSA to include costs “incurred in obtaining food, shelter, clothing, medical care, and personal comfort items.” The representative payee was also required to notify SSA of any changes to the beneficiary or her environment, including the beneficiary’s death.

5. Defendant NAKIA CALICAT was the representative payee for her minor daughter, identified herein as “F.K.” F.K. was born in December 2006. F.K. was found eligible for SSI benefits as of December 2006, subsequent to an application for benefits filed on F.K.’s behalf by defendant CALICAT in or about March 2007.

THE SCHEME TO DEFRAUD

6. From on or about July 30, 2010 through on or about August 30, 2013, defendant

NAKIA CALICAT

devised and intended to devise a scheme to defraud the SSA and to obtain money from the SSA in the form of SSI benefits intended for the current maintenance of the minor child F.K. by fraudulently converting to her own use government Supplemental Security Income benefits she was not entitled to receive because she concealed and failed to report to the SSA that the minor child F.K. died on or about July 6, 2010.

7. It was the object of the scheme described in paragraph 6 for defendant NAKIA CALICAT to receive approximately \$26,224 in SSI payments intended for F.K., that she was not entitled to receive.

MANNER AND MEANS

It was part of the scheme that:

8. Prior to the death of F.K., defendant NAKIA CALICAT received Supplemental Security Income payments to be used for the current maintenance of F.K. via wire deposit into an account held in defendant CALICAT's name with Wells Fargo Bank (account ending in 3432).

9. The minor child F.K. died at the Children's Hospital of Pennsylvania on or about July 6, 2010. Defendant NAKIA CALICAT was aware of the death of her daughter, F.K.

10. Subsequent to the death of F.K., defendant NAKIA CALICAT continued to receive SSI payments intended for F.K. via wire transfer of electronic payments into defendant

CALICAT's Wells Fargo bank account. Defendant CALICAT did not inform the SSA that F.K. had died on or about July 6, 2010.

11. The SSA did not learn of the death of F.K. until in or about August 2013.

12. In August and September 2013, the SSA sent letters to defendant NAKIA CALICAT requesting information about F.K. When defendant CALICAT did not appear with the requested information, SSA sent a notification that the benefits for F.K. would be terminated.

13. Subsequent to the notification that F.K.'s SSI benefits would be cut off, defendant NAKIA CALICAT contacted the SSA in an attempt to have F.K.'s benefits continue.

14. On or about October 24, 2013, defendant NAKIA CALICAT spoke to an SSA employee identified herein as "D.H.," and falsely told her that F.K. was alive in an attempt to continue F.K.'s SSI benefit payments.

15. On or about August 22, 2014, defendant NAKIA CALICAT spoke, via telephone, with a Special Agent with the Social Security Administration Office of Inspector General, regarding the death of F.K. During this conversation, defendant CALICAT falsely told the Special Agent that her daughter F.K. was alive.

16. Had defendant NAKIA CALICAT truthfully reported the death of F.K. to the SSA, she would not have been entitled to continue receive SSI benefit payments as the representative payee for F.K.

17. From on or about July 30, 2010, through on or about August 30, 2013, in the Eastern District of Pennsylvania, and elsewhere, defendant

NAKIA CALICAT

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be transmitted in interstate commerce, by means of wire communication, certain signs, signals and sounds, namely, a wire transfer of funds representing benefit payments from the SSA to the defendant CALICAT as described below, each transfer constituting a separate count:

<u>COUNT</u>	<u>DATE OF WIRE TRANSFER</u>	<u>DESCRIPTION OF WIRE TRANSFER</u>
1	July 30, 2010	SSA payment of \$606.10 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
2	December 1, 2010	SSA payment of \$606.10 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
3	April 1, 2011	SSA payment of \$606.10 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
4	August 1, 2011	SSA payment of \$674.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
5	December 1, 2011	SSA payment of \$674.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
6	March 30, 2012	SSA payment of \$698.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.

<u>COUNT</u>	<u>DATE OF WIRE TRANSFER</u>	<u>DESCRIPTION OF WIRE TRANSFER</u>
7	August 1, 2012	SSA payment of \$698.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
8	November 30, 2012	SSA payment of \$698.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
9	April 1, 2013	SSA payment of \$710.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.
10	August 30, 2013	SSA payment of \$710.00 for F.K. by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Minneapolis, Minnesota, to the Eastern District of Pennsylvania.

All in violation of Title 18, United States Code, Section 1343.

COUNT ELEVEN

(Conversion of Government Funds)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 16 of Counts One through Ten of this indictment are realleged here.

2. Beginning on or about July 30, 2010 through on or about August 30, 2013, in the Eastern District of Pennsylvania, and elsewhere, defendant

NAKIA CALICAT

knowingly converted to her own use money of the United States in excess of \$1,000, that is, approximately \$26,224 in SSI payments intended for use in the care of F.K., who was deceased, and which defendant CALICAT was not entitled to receive.

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

COUNT TWELVE

(False Statements)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 16 of Counts One through Ten of this indictment are realleged here.

2. On or about October 24, 2013, in the Eastern District of Pennsylvania, defendant

NAKIA CALICAT

falsely told an employee, identified as D.H., of the Social Security Administration, an agency of the United States, that F.K. was alive, and such information was material to the issuing of SSI benefit payments to defendant CALICAT as representative payee for F.K.

In violation of Title 18, United States Code, Section 1001.

COUNT THIRTEEN

(False Statements)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 16 of Counts One through Ten of this indictment are realleged here.

2. On or about August 22, 2014, in the Eastern District of Pennsylvania, defendant

NAKIA CALICAT

falsely told an employee of the Social Security Administration, an agency of the United States, specifically, a Special Agent from the Social Security Administration Office of Inspector General, that F.K. was alive, and such information was material to the issuing of SSI benefit payments to defendant CALICAT as representative payee for F.K.

In violation of Title 18, United States Code, Section 1001.

COUNT FOURTEEN

(Social Security Representative Payee Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 16 of Counts One through Ten of this indictment are realleged here.

2. Beginning in or about July 2010 and continuing through in or about August 2014, in the Eastern District of Pennsylvania and elsewhere, defendant

NAKIA CALICAT

having made application to receive payment for the use and benefit of F.K., and having received such payments after the death of F.K., knowingly and willfully converted such payments to her own use, and did not use such payments for the benefit of F.K., who was deceased.

In violation of Title 42, United States Code, Section 408(a)(5).

NOTICE OF FORFEITURE

THE GRAND JURY CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 641 and 1343, set forth in this information, defendant

NAKIA CALICAT

shall forfeit to the United States of America:

- (a) any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense; including but not limited to the sum of \$26,224.
- 2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:
 - (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 981(a)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON


ZANE D. MEMEGER
for United States Attorney