

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO. 3:19cr14/MCR**

**BRYAN S. GAINES**

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**FACTUAL BASIS FOR GUILTY PLEA**

This statement of facts is submitted on behalf of the undersigned parties. All parties agree that if the above-captioned case were to go to trial, the government could produce competent, substantial evidence of the following facts to prove the defendant is guilty of the count(s) of the Indictment to which Defendant is pleading guilty. The parties further agree that all of the following facts are true and correct and that not all of the facts known from or related to this investigation are contained in this brief summary.

**STATEMENT OF FACTS**

Starting on or about December 6, 2006, Defendant Bryan S. Gaines began receiving Individual Unemployability (“IU”) benefits from the Department of Veterans Affairs (“VA”), an agency of the United States. The defendant was advised in writing at the time he applied to received IU benefits, and at regular intervals thereafter, that all information he provided to the VA must be true and there were

criminal penalties for willfully submitting false or fraudulent statements or evidence of a material fact in order to get payments to which the veteran was not entitled.

Between at least on or about January 1, 2011, and on or about May 31, 2018, the defendant received approximately \$159,519.57 in benefits to which he was not entitled because he fraudulently represented to the VA that he was not working and was not able to work as a result of his service-connected disabilities when, in fact, he was working regularly at an automotive repair business during that time. Specifically, on or about February 26, 2018, the defendant falsely reported to the VA during his Compensation and Pension Examinations that he does not work currently and had not worked since 2007, whereas, in truth and fact, and as the defendant well knew, the defendant was currently working at an automotive repair business at the time the statements were made and had been working regularly for that business for several years.

### **ELEMENTS**

A defendant can be found guilty of theft of government money, in violation of Title 18, United States Code, Section 641, only if the following are proved beyond a reasonable doubt:

*First:* The money or property belonged to the United States;

*Second:* The defendant embezzled, stole, or knowingly converted the money or property to his own use or to someone else's use;

*Third:* The defendant knowingly and willfully intended to deprive the owner of the use or benefit of the money or property; and

*Fourth:* The money or property had a value greater than \$1,000.

A defendant can be found guilty of making a false statement to a federal agency, in violation of Title 18, United States Code, Section 1001, only if the following are proved beyond a reasonable doubt:

*First:* The defendant made the statement or document, as charged;

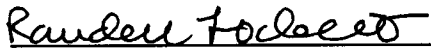
*Second:* The statement or document was false;

*Third:* The falsity concerned a material matter;

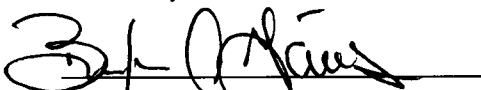
*Fourth:* The defendant acted willfully, knowing the statement or document was false; and

*Fifth:* The false statement or document was made or used for a matter within the jurisdiction of a department or agency of the United States.

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United States Attorney

  
RANDALL LOCKHART  
Attorney for Defendant

  
ALICIA H. FORBES  
Assistant United States Attorney

  
BRYAN S. GAINES  
Defendant

5/6/19  
Date

5-1-19  
Date