

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.
 v. : Criminal No. 16-
BRIAN A. UNGER : 18 U.S.C. §§ 641 and 2

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information, unless otherwise noted:
 - a. Defendant BRIAN A. UNGER was a resident of Long Branch, New Jersey.
 - b. The United States Social Security Administration (the "SSA") was an agency of the executive branch of the United States. The SSA, among other things, maintained the Disability Insurance Benefits (the "DIB") program under Title II, of the Social Security Act, Title 42, United States Code, Section 401 *et seq.*, for eligible individuals. The object of the DIB program was to replace part of the earnings lost because of physical or mental impairment. Generally, to be eligible for the Title II DIB program, an individual must have met the definition of disability if that individual was unable to perform past relevant work and could not perform any other type of work because of a physical or mental impairment which had lasted, or was expect to last, for at least 12 months, or which could be expected to result in death.
 - c. In addition, the SSA maintained the Retirement Insurance Benefits

program under Title II, of the Social Security Act, Title 42, United States Code, Section 401 et seq., for eligible individuals. When a person worked and paid Social Security taxes, that person earned “credits” toward Social Security benefits. The number of credits required for retirement benefits depended upon one’s year of birth. SSA did not pay any retirement benefits until a person had the required number of credits.

d. Upon reaching full retirement age, Disability Insurance Benefits for which a recipient was eligible were converted to Retirement Insurance Benefits for the remainder of the recipient’s lifetime. Both such benefits were not transferrable and could not be inherited.

e. Defendant BRIAN A. UNGER’s spouse was a resident of Long Branch, New Jersey. On or about January 4, 2008, she applied to the SSA for Disability Insurance Benefits. On or about March 4, 2008, the SSA determined that defendant UNGER’s spouse was entitled to Disability Insurance Benefits. These Disability Insurance Benefits were paid by direct deposit into her bank account in New Jersey. Defendant UNGER’s spouse died on or about June 5, 2009. The SSA was not notified of her death and continued electronically depositing Disability Insurance Benefits into her bank account through June 2013, whereupon those benefits were converted into Retirement Insurance Benefits which were deposited electronically into her bank account from July 2013 through in or about September 2013.

2. From in or about June 2009 to in or about October 2013, in Monmouth County, in the District of New Jersey and elsewhere, defendant

BRIAN A. UNGER

did knowingly and willfully embezzle, steal, purloin and convert to his own use and the use of another, money of the United States, that is, approximately \$82,854 in Disability Insurance Benefit payments and Retirement Insurance Benefit payments of his spouse, to which he was not entitled.

3. Defendant BRIAN A. UNGER did not inform the SSA that his spouse had died in June 2009, causing the SSA to issue direct deposits of benefit payments to her bank account until in or about September 2013.

4. At various times after the deposits, defendant BRIAN A. UNGER accessed his spouse's bank account in New Jersey and used the money from her unauthorized Disability Insurance Benefit and Retirement Insurance Benefit payments for his own purposes.

In violation of Title 18, United States Code, Sections 641 and 2.

Paul J. Fishman/rah
PAUL J. FISHMAN
United States Attorney
District of New Jersey