

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

UNITED STATES OF AMERICA	:	Criminal No. 18-40 (JLL)
	:	
	:	Hon. Jose L. Linares
v.	:	
	:	42 U.S.C. § 408(a)(4)
FERNANDO SOLARIS	:	18 U.S.C. § 641
	:	18 U.S.C. § 2

SUPERSEDING INFORMATION

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

Count One
(Social Security Fraud)

1. At all times relevant to this Superseding Information, unless otherwise noted:

a. Defendant FERNANDO SOLARIS and his wife, Individual-1, were residents of Newark, New Jersey.

b. The United States Social Security Administration (“SSA”) was an agency of the executive branch of the United States. The SSA, among other things, maintained the Disability Insurance Benefits (“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 an individual’s earnings lost because of physical or mental impairment. Generally, to be eligible for the DIB program, an individual must have met the definition of disability, to wit, if the 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 expected to last, for at least twelve months, or which could be expected to result in death. The DIB program also allowed spouses of disabled individuals to apply for, and collect, spousal benefits.

2. From in or about February 2002, and continuing without interruption through July 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

FERNANDO SOLARIS,

having knowledge of the occurrence of an event or events affecting the continued right to SSA DIB payments to himself and to another, namely Individual-1, concealed and failed to disclose such event or events with the intent to fraudulently secure payments when no payments were authorized.

3. Starting in or around 1973, after having immigrated to the United States from Uruguay, defendant FERNANDO SOLARIS applied for and obtained from the SSA a social security number ending 5947 (the "5947 Number").

4. In or around 1984, defendant FERNANDO SOLARIS, using the name "Fred Raul Solares," applied for and obtained from the SSA a new social security number ending with the number 6353 (the "6353 Number").

Defendant FERNANDO SOLARIS did not disclose to the SSA that he had previously obtained the 5947 Number.

5. Approximately 5 years later, in or around 1989, defendant FERNANDO SOLARIS, using the name “Fernando Solares,” applied for and obtained from the SSA a new social security number ending 5284 (the “5284 Number”). Defendant FERNANDO SOLARIS did not disclose to the SSA that he had previously obtained the 6353 Number or the 5947 Number.

6. On or about February 17, 2002, defendant FERNANDO SOLARIS applied for disability benefits using the 5284 Number. In his application, defendant FERNANDO SOLARIS represented that he was unable to work because of a disabling physical condition. He did not disclose that he had two additional social security numbers. On the application, Solaris agreed to inform the SSA if:

- a. His health improved so he could return to work;
- b. He did, in fact, return to work; or
- c. He applied for or received benefits under any other disability or workers’ compensation law or plan.

7. From in or about 2002 through in or around 2012, using the 6353 Number and/or the 5947 Number, defendant FERNANDO SOLARIS was employed in New Jersey and elsewhere. During the same time period, defendant FERNANDO SOLARIS continued to receive SSA DIB benefits under the 5284 Number. Defendant FERNANDO SOLARIS did not disclose to the SSA that, while collecting SSA DIB benefits under the 5284 Number, he was employed under the 6353 Number and/or the 5947 Number.

8. From in or about February 2005 through in or about December 2005, defendant FERNANDO SOLARIS used the 6353 Number to apply for and receive approximately \$7,848 in State Disability Benefits through the New Jersey Department of Labor. He did not disclose the application or these benefit payments to the SSA.

9. On two separate occasions, from in or about September 2005 through in or about October 2005, and from in or about January 2010 through in or about August 2010, defendant FERNANDO SOLARIS used the 5947 Number to apply for and receive approximately \$14,842 in New Jersey State Unemployment Insurance Benefits. He did not disclose those applications or benefit payments to the SSA.

10. Furthermore, on or about June 8, 2009, defendant FERNANDO SOLARIS' spouse, Individual-1, applied for Title II Spousal Benefits under defendant FERNANDO SOLARIS' 5284 Number. As a result, between in or about October 2009 through July 2015, Individual-1 collected approximately \$21,574 in spousal benefits to which Individual-1 was not entitled.

11. Between in or about July 2002 through July 2015, defendant FERNANDO SOLARIS collected approximately \$221,364.00 in disability benefits to which he was not entitled.

All in violation of Title 42, United States Code, Section 408(a)(4).

Count Two
(Theft of Government Property)

12. Paragraphs 1 through 11 of Count One are realleged and incorporated by reference here.

13. From in or about July 2002 through in or about July 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

FERNANDO SOLARIS,

did knowingly and willfully embezzle, steal, purloin, and convert to his use and the use of another, and did aid and abet another, namely, Individual-1, to embezzle, steal, purloin, and convert money and things of value of the United States, that is, Social Security Administration Disability Insurance Benefits, to which FERNANDO SOLARIS and Individual-1 were not entitled.

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

FORFEITURE ALLEGATIONS

1. The allegations contained in this Superseding Information are hereby realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice to defendant FERNANDO SOLARIS that, upon conviction of the offenses charged in this Superseding Information, the United States of America will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constituted or was derived from proceeds traceable to the violation of Title 42, United States Code, Section 408(a)(4), and Title 18, United States Code, Section 641 and Section 2 alleged in this Superseding Information, including, but not limited to, a sum of money equal to at least \$221,364.00 in United States currency.

3. If, by any act or omission of defendant any of the property subject to forfeiture herein:

- 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

subdivided without difficulty,
the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).


CRAIG CARPENITO
United States Attorney

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UNITED STATES OF AMERICA

v.

FERNANDO SOLARIS

SUPERSEDING INFORMATION FOR

Title 42, United States Code, Section 408(a)(4)
Title 18, United States Code, Sections 641 and 2

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