

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

LEAH MATHIEU,

Defendant.

INFORMATION

25 Cr.

COUNT ONE
(Wire Fraud)

The United States Attorney charges:

1. From at least in or about December 2016 through the date of the filing of this Information, LEAH MATHIEU, the defendant, has been employed by the New York City Department of Correction (“DOC”).

2. In or about July 2021, LEAH MATHIEU, the defendant, joined the U.S. Department of Navy Reserve. On or about December 28, 2021, MATHIEU joined the New York State Naval Militia (the “Naval Militia”). The Naval Militia is the naval component of the New York State defense forces. As part of the New York State Division of Military and Naval Affairs, the Naval Militia complements the Army and Air National Guard programs, as well as the New York State Guard. Nearly all of the Naval Militia is composed of federal reserve forces from the U.S. Navy, Marine Corps, and Coast Guard. To be mobilized for a specific mission, members of the Naval Militia typically receive an order from the Commander of the Naval Militia, ordering the member of the Naval Militia to report for state active duty in support of an identified mission.

3. DOC employees who are members of the Navy Reserve or Naval Militia are entitled to a leave of absence while they are engaged in, among other things, the performance of “ordered military duty,” including travel to and from such duty. While on such military duty, DOC

employees are entitled to paid military leave¹ or differential pay² with certain limitations. Payroll for DOC employees, such as LEAH MATHIEU, the defendant, is processed by the New York City Office of Payroll Administration (“OPA”), and OPA’s office and servers are located in Manhattan, New York.

4. In the fall of 2022, LEAH MATHIEU, the defendant, reported for state active duty pursuant to a set of orders dated October 14, 2022, and issued by the Naval Militia, which listed MATHIEU’s dates of state active duty as October 20, 2022, to April 17, 2023.

5. On or about December 7, 2022, LEAH MATHIEU, the defendant, was released from state active duty because she was alleged to have operated a government vehicle without proper authorization. However, MATHIEU did not inform the DOC that she had been released from state active duty. Instead, MATHIEU falsely told the DOC that she would not be present at work because she was still on state active duty pursuant a new set of orders that she had forged. For example, on or about August 25, 2023, MATHIEU created and sent to the DOC via email a fake order, dated April 20, 2023, purportedly from the Naval Militia (the “Fraudulent April 20, 2023 Order”). The Fraudulent April 20, 2023 Order purportedly extended MATHIEU’s military leave from August 31, 2023, through February 29, 2024. The Fraudulent April 20, 2023 Order listed a signature of a former Captain of the Naval Militia. However, the former Captain did not actually sign the Fraudulent April 20, 2023 Order.

6. Even though LEAH MATHIEU, the defendant, never received new state active duty orders, MATHIEU did not inform the DOC that she was no longer on state active duty until

¹ Paid military leave is full pay made by an employer to an employee who takes time off for certain types of active or inactive military duty.

² Military differential pay is any payment made by a civilian employer to an employee who has been called up for active duty, which is intended to make up some or all of the difference between the employee’s higher civilian salary or wages and their active military duty pay.

in or about February 2024. As a result of her deception, between on or about December 23, 2022, and on or about March 1, 2024, MATHIEU fraudulently obtained from DOC approximately \$80,297.90 in paid military leave and differential pay based on her false claims that she was purportedly on state active duty with the Naval Militia.

STATUTORY ALLEGATION

7. From at least in or about December 2022 through at least in or about March 2024, in the Southern District of New York and elsewhere, LEAH MATHIEU, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, MATHIEU, a corrections officer at the DOC, falsely reported to the DOC that she was absent from work because she was on state active duty with the Naval Militia in order to fraudulently obtain approximately \$80,297.90 in paid military leave and differential pay, and sent and received, and/or caused others to send and receive, electronic records, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

8. As a result of committing the offense alleged in Count One of this Information, LEAH MATHIEU, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the

commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

9. If any of the above-described forfeitable property, 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 person;
- 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;

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

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



JAY CLAYTON
United States Attorney