

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

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 22-</b> _____
	:	
v.		<b>DATE FILED:</b> <u>7/14/2022</u>
	:	
<b>DWAYNE BENT</b>	:	<b>VIOLATIONS:</b>
		<b>18 U.S.C. § 1343 (wire fraud – 8 counts)</b>
		<b>42 U.S.C. § 408(a)(4) (Social Security</b>
	:	<b>fraud - 1 count)</b>
		<b>Notice of forfeiture</b>
	:	

**INDICTMENT**

**COUNTS ONE THROUGH EIGHT**

(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 Disability Insurance Benefits (“DIB”) program, pursuant to Title 42, United States Code, Sections 401-433.
2. The DIB program was federally funded and available if a person worked long enough and had a medical condition that prevented the individual from working for at least 12 months or resulted in death.

3. Individuals who qualified for DIB who also had dependent children were eligible to apply for additional benefits for each child. Eligibility for these additional benefits depended upon the DIB recipient's disability determination.

4. DIB payments continued until the beneficiary reached full retirement age.

5. Once approved for DIB payments, DIB recipients were required to notify SSA of any income received from any source. DIB recipients were also required to notify SSA of any change in their disability which affected their ability to work.

6. The United States Department of Transportation ("USDOT") sets standards for the issuance of commercial driver's licenses ("CDLs") to ensure safety on the nation's roads and highways. 49 C.F.R. §§ 383 et seq.

7. The USDOT Federal Motor Carrier Safety Administration ("FMCSA") regulates the CDL process nationally and the Pennsylvania Department of Transportation (PennDOT) oversees local licensing procedure.

8. The FMCSA requires that all interstate commercial drivers meet certain physical and mental standards prior to operating in interstate commerce. A driver may not operate a commercial motor vehicle without a medical certification by a physician or physician assistant. Once a CDL physician or physician assistant deems a prospective driver medically fit, the driver receives a "Medical Examiner's Certificate." 49 C.F.R. §§ 391 et seq.

9. On or about October 1, 2014, defendant DWAYNE BENT applied for DIB. Based on the original submission, SSA denied the application. Defendant BENT appealed the denial of the application.

10. On or about January 12, 2017, after a hearing, an Administrative Law Judge (“ALJ”) approved defendant DWAYNE BENT for DIB with a retroactive disability date of May 21, 2013.

11. On or about June 2, 2017, defendant DWAYNE BENT applied for dependent benefits for four of his five children.

12. On or about October 29, 2013 and October 1, 2014, defendant DWAYNE BENT certified, using a Pennsylvania Department of Transportation (PennDOT”) Self-Certification Form, that he drove a commercial vehicle both in and outside Pennsylvania. At times, defendant BENT also certified that he carried a Medical Examiner’s Certificate. On or about June 9, 2015, February 7, 2017 and March 8, 2018, defendant BENT submitted to PennDOT CDL applications for replacement and renewal CDLs. On or about October 3, 2018, defendant BENT certified, using a PennDOT Self-Certification Form, that he drove a commercial vehicle both in and outside Pennsylvania and carried a Medical Examiner’s Certificate.

13. Defendant DWAYNE BENT never notified SSA of his work activity or income. SSA continued to issue DIB payments through paper checks and electronic funds transfers to the defendant’s bank accounts.

#### **THE SCHEME TO DEFRAUD**

14. From in or about October 2014 through in or about August 2019, defendant

**DWAYNE BENT**

devised and intended to devise a scheme to defraud the SSA and to obtain money from the SSA in the form of disability benefit and dependent benefit payments by fraudulently claiming that he was unable to work, and by fraudulently concealing work and income he received.

15. It was the object of the scheme described in paragraph 14 for defendant DWAYNE BENT to receive SSA disability payments and dependent benefit payments that he was not entitled to receive.

#### **MANNER AND MEANS**

It was part of the scheme that:

16. On or about October 1, 2014, in applying for DIB, defendant DWAYNE BENT stated in his application, "I am unable to work because of my disabling condition on May 21, 2013." SSA denied this application and defendant appealed the decision on or about December 16, 2014.

17. On October 25, 2016, defendant DWAYNE BENT attended a hearing before ALJ Sandra Morales Price. During the hearing, defendant BENT claimed he was unable to drive more than short distances and unable to obtain employment as a truck driver. During the hearing, defendant BENT also told the ALJ he has looked for other employment, but was unable to find work because prospective employers asked about his physical limitations. Defendant BENT failed to disclose employment, and failed to disclose his current CDL.

18. On or about October 31, 2016, defendant DWAYNE BENT passed a USDOT physical examination performed by a USDOT certified medical examiner. Passing this exam allowed defendant BENT to drive a commercial motor vehicle in interstate commerce without any restrictions for the years 2016 - 2018.



19. On or about June 2, 2017, defendant DWAYNE BENT applied for supplemental benefits for four of his five dependent children.

20. On or about September 12, 2018, defendant DWAYNE BENT passed another USDOT physical examination performed by a USDOT certified medical examiner. Passing this exam allowed defendant BENT to drive a commercial motor vehicle in interstate commerce without any restrictions for the years 2018 - 2020.

21. On or about January 10, 2019, defendant Dwayne BENT completed and submitted an SSA-454 Continuing Disability Review Report. On the form, defendant BENT failed to disclose his ongoing employment as a truck driver, and failed to disclose passing a USDOT physical examination without any restrictions in 2018.

22. Beginning as early as 2016, defendant DWAYNE BENT worked various jobs, including as a long-haul truck driver.

23. Defendant DWAYNE BENT never reported any income or work activity to SSA, as required by the rules and regulations governing the DIB program.

24. From March 2017 through in or about August 2019, defendant DWAYNE BENT fraudulently obtained DIB and dependent benefit payments to which he was not entitled.

25. On or about the following dates, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DWAYNE BENT,**

for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

<u>COUNT</u>	<u>DATE</u>	<u>WIRE TRANSACTION</u>
1	November 28, 2017	SSA payment of \$4,350.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania
2	December 5, 2017	SSA payment of \$8,796.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.
3	December 5, 2017	SSA payment of \$8,796.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.
4	December 5, 2017	SSA payment of \$8,796.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.
5	January 8, 2018	SSA payment of \$2,221.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.
6	February 12, 2018	SSA payment of \$2,221.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.
7	March 12, 2018	SSA payment of \$2,221.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.
8	April 9, 2018	SSA payment of \$2,221.00 by wire transfer from Baltimore, Maryland to Kansas City, Missouri, to East Rutherford, New Jersey, to Philadelphia, Pennsylvania.

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

**COUNT NINE**

**(Social Security Fraud)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 13, and 16 through 24 of Counts One through Eight of this indictment are realleged here.

2. From in or about October 2014, through in or about August 2019, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DWAYNE BENT,**

in a matter within the jurisdiction of the Social Security Administration (SSA), an agency of the executive branch of the United States, knowingly and willfully concealed and failed to disclose his work activity, CDL certification, and income with the intent to fraudulently secure SSA DIB payments.

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

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Section 1343, set forth in Counts One through Eight of this Indictment, defendant

**DWAYNE BENT**

shall forfeit to the United States of America 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 \$201,693.00.

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**

*Ronald Sarach for*

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**JACQUELINE C. ROMERO**  
United States Attorney

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

*Eastern District of Pennsylvania*

*Criminal Division*

THE UNITED STATES OF AMERICA

vs.

DWAYNE BENT

INDICTMENT

18 U.S.C. § 1343 (wire fraud – 8 counts)  
42 U.S.C. § 408(a)(4) (Social Security fraud - 1 count)  
Notice of forfeiture

*A true bill*

Foreman

Filed in open court this 14 day,  
of July A.D. 2022

Clerk

Bail, \$ \_\_\_\_\_

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

INDICTMENT

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Continental

County: Philadelphia

City and State of Defendant: Sharon Hill, PA

County: Delaware

Register number: N/A

Place of accident, incident, or transaction: EASTERN DISTRICT OF PENNSYLVANIA

Post Office: N/A

County: N/A

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: No

Case Number: N/A

Judge: N/A

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

1. ☐ Antitrust
2. ☐ Income Tax and other Tax Prosecutions
3. ☐ Commercial Mail Fraud
4. ☐ Controlled Substances
5. ☐ Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial

6. ☒ General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

**18 U.S.C. § 1343 (wire fraud – 8 counts)**

**42 U.S.C. § 408(a)(4) (Social Security fraud - 1 count)**

**Notice of forfeiture**

DATE: July 14, 2022

/s/ Christopher Parisi

CHRISTOPHER E. PARISI

Assistant United States Attorney

File No. 2017R00751

U.S. v. DWAYNE BENT