

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF [REDACTED]

UNITED STATES OF AMERICA,  
Plaintiff,

v.

NELSON [REDACTED],  
Defendant.

INFORMATION

CASE NO. \_\_\_\_\_

18 U.S.C. § [REDACTED]

(Two Counts)

INFORMATION

**THE UNITED STATES ATTORNEY CHARGES:**

GENERAL ALLEGATIONS

At times material to this Information:

The United States Postal Service

1. The United States Postal Service (“USPS”) is an independent establishment of the Executive Branch of the Government of the United States and operates in a business-like way. The USPS has as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. The USPS provides prompt, reliable, and efficient services to patrons in all areas and rendered postal services to all communities. 39 U.S.C. § 101(a).

2. In 2020, the USPS provided its employee relief to a COVID-19 related health emergency through the category of paid leave: Emergency Sick Leave – Other (ESLO).

3. With the enactment of the American Rescue Plan Act of 2021 (H.R.1319) § 4001, on March 11, 2021, the USPS established the Emergency Federal Employee Leave (EFEL) as a

new category of paid leave. The EFEL is a temporary paid leave program available for federal employees, including postal employees, who are impacted by the COVID-19 pandemic.

4. The EFEL provides an amount not to exceed 600 hours of paid leave to each full-time employee who is unable to work (including telework) for qualifying COVID-19-related circumstances. EFEL is available for paid covered leave requested from March 11, 2021 and is expected to continue through September 30, 2021 or until the funding established in the Federal Leave Fund (FLF) for reimbursement is exhausted. The amounts in the EFEL are available for reimbursement to the agency for the use of paid leave by its employees.

5. The EFEL is available to the employee when he/she cannot work because the employee:

- i. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- ii. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- iii. is caring for an individual who is subject to such an order as in (1) or has been so advised as in (2);
- iv. is experiencing COVID-19 symptoms and seeking a medical diagnosis;
- v. is caring for the employee's son or daughter if the school or place of care of the son or daughter has been closed, requires or makes optional a virtual learning instruction model, requires or makes optional a hybrid of in-person and virtual learning instruction models, or if the child care provider of the son or daughter is unavailable, due to COVID-19 precautions;
- vi. is experiencing any other substantially similar condition;

- vii. is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19;
- viii. is obtaining immunization (vaccination) related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization.

6. All leave payments made to postal employees under ESLO and EFEL are funded by the USPS.

#### EFEL Request Process

7. Pursuant to the EFEL regulations, an employee who qualifies under one of the eight conditions established above must: a) submit a completed PS Form 3971 “Request for or Notification of Absence” to your supervisor, check “Other” as the “Type of Absence” and write “EFEL” on the line, indicate “Emergency Federal Employee Leave” and the qualifying reason for leave (1 – 8, as listed below) in the “Remarks” box on the form; b) submit a completed “COVID-19 EFEL Employee Notification and Leave Request Form”, include office/facility name in the “Name of Organization” field; and c) submit a signed and dated the “Employee Agreement in Connection with Emergency Federal Employee Leave Provided Under Section 4001 of the American Rescue Plan Act of 2021.”

8. To request EFEL under the “caring for your son or daughter if the school or place of care of the son or daughter has been closed” qualifying circumstance, the employee must

provide: the name of the son or daughter being cared for; the name of the school, place of care, or childcare provider that meets the required conditions; a written description of the situation (i.e., closure, use of on-line instruction, unavailability of the childcare provider); and a written explanation regarding why your circumstances (e.g., ages of children, number of children, special needs of children, lack of other adults in the home) make him/her unable to work (including telework) during the requested hours of leave.

9. Additionally, the employee must certify in the EFEL Employee Notification and Leave Request Form that all his/her statements made in the application are true and correct to the best of their knowledge and belief, and that a false certification may be grounds for disciplinary action, up to and including removal.

The Defendant

10. The defendant, NELSON [REDACTED] was a USPS Mail Carrier at the [REDACTED] Post Office, [REDACTED], within the District of [REDACTED].

11. The defendant, NELSON [REDACTED] requested ESLO from May 26, 2020 to June 8, 2020, indicating that he was taking it for related COVID-19 reasons.

12. The defendant, NELSON [REDACTED], requested EFEL leave from March 24, 2021 to May 28, 2021, under the “caring for your son or daughter if the school or place of care of the son or daughter has been closed” qualifying circumstance.

13. The USPS accepted the defendant’s ESLO and EFEL requests, and current Time and Attendance Control System (TACS) for [REDACTED] revealed he received \$1,643.08 from the USPS ESLO for leave taken between May 26, 2020 to June 8, 2020, and \$10,037.24 from EFEL for leave taken between March 24, 2021 to May 28, 2021.

14. Beginning on or about May 26, 2020 up to and until May 28, 2021, on two separate occasions, the defendant, NELSON [REDACTED], received, retained, and endeavored to receive and retain emergency sick leave from ESLO and EFEL leaves benefits which he was not entitled. Defendant [REDACTED] requested emergency sick leave and certified in the forms he was unable to work because he was taking care of his daughter, due to COVID-19 precautions, since her school was closed, when in fact he then ad there knew these statements and representations were false.

**COUNT 1**

**False Statement or Fraud to Obtain Federal Employee's Compensation**

Paragraphs 1 through 14 of the General Allegations are fully incorporated herein.

On or about May 26, 2020 to June 8, 2020, in the District of [REDACTED], the defendant,

**NELSON [REDACTED]**

did knowingly and willfully falsify, conceal and cover up a material fact and make a false, fictitious, or fraudulent statement and representation and make and use a false statement and report to the United States Postal Service ("USPS") to receive compensation under the Emergency Sick Leave -Other (ESLO), knowing these to contain a false, fictitious and fraudulent statement and entry in connection with the application for or receipt of the ESLO benefits and the USPS payments, in an amount of approximately of \$1,643.08.

All in violation to Title 18, United States Code, Section 1920.

**COUNT 2**

**False Statement or Fraud to Obtain Federal Employee's Compensation**

Paragraphs 1 through 14 of the General Allegations are fully incorporated herein.

On or about March 24, 2021 to May 28, 2021, in the District of [REDACTED], the defendant,

**NELSON [REDACTED]**

did knowingly and willfully falsify, conceal and cover up a material fact and make a false, fictitious, or fraudulent statement and representation and make and use a false statement and report to the United States Postal Service ("USPS") to receive compensation under the Emergency Federal Employee Leave (EFEL), to wit stating the "caring for your son or daughter if the school or place of care of the son or daughter has been closed" qualifying circumstance, knowing these to contain a false, fictitious and fraudulent statement and entry in connection with the application for or receipt of the EFEL benefits and the USPS payments, in an amount of approximately of \$10,037.24.

All in violation to Title 18, United States Code, Section 1920.

[REDACTED]  
United States Attorney

[REDACTED]  
Assistant U.S. Attorney, Chief  
Transnational Organized Crime Section

[REDACTED]  
Assistant U.S. Attorney, Deputy Chief  
Transnational Organized Crime Section

[REDACTED]  
Special Assistant United States Attorney