

**Department of Justice**

U.S. Attorney's Office

Northern District of California

---

FOR IMMEDIATE RELEASE

Friday, July 19, 2019

**Former Bureau Of Prisons Employee Sentenced To 37  
Months In Prison For Wire Fraud**

**Defendant Admitted To Defrauding U.S. Government Agencies Out Of Over  
\$600,000**

SAN FRANCISCO - Malik Swinton was sentenced to 37 months in prison for wire fraud in connection with various schemes to defraud the federal government for disability and workers' compensation benefits, announced United States Attorney David L. Anderson; U.S. Department of Veterans Affairs (VA) Office of Inspector General, Criminal Investigations Division, Special Agent in Charge James Wahleithner; U.S. Department of Justice Office of the Inspector General, Los Angeles Field Division, Special Agent in Charge James K. Cheng; Social Security Administration (SSA) Office of Inspector General Special Agent in Charge Robb Stickley; Office of Personnel Management Office of Inspector General Acting Inspector Norbert Vint; and U.S. Department of Labor (DOL) Office of Inspector General Acting Special Agent in Charge Quentin Heiden. The sentence was handed down today by the Hon. Yvonne Gonzalez Rogers, U.S. District Judge.

Swinton pleaded guilty to the charge on May 9, 2019. According to his plea agreement, Swinton, 40, of Las Vegas, Nev., admitted he engaged in schemes to defraud the VA, the SSA, the DOL, and the Office of Personnel Management. In sum, the court found Swinton caused losses to the United States in excess of \$600,000.

According to the plea agreement, Swinton submitted a fraudulent claim for benefits to the Department of Veterans Affairs in July 2012. Swinton admitted that he submitted a form in which he claimed he suffered from post-traumatic stress disorder (PTSD) as a result of an incident that occurred while he was in the U.S. Army. In the form, Swinton claimed that his squad leader pulled out a weapon, shot his platoon sergeant in front of him, and then later threatened to kill or hurt Swinton or his family if Swinton told anyone about the shooting. In his plea agreement, Swinton admitted that the incident never occurred. Swinton acknowledged that as a result of this scheme, from June 2013 through April 2019 he received approximately \$222,000.00 in fraudulently obtained disability benefits.

Further, Swinton admitted in his plea agreement that he improperly claimed and received dependency benefits from the VA. Although Swinton divorced his wife in April 2009, he continued to represent to the VA that he was married and he claimed his former wife as a dependent on his disability payment record through November 2018. As a result, Swinton received over \$20,000 in improper dependency benefits.

Swinton also defrauded the SSA. Swinton falsely represented to the SSA that the VA determined he was unemployable. Swinton also wrote and submitted to the SSA a fraudulent letter that purported to be from VA doctor. The letter claimed that Swinton was unemployable due to various medical conditions including his alleged PTSD. In reality, the VA doctor did not write nor authorize Swinton to write the letter. As a result of his false statements, Swinton fraudulently convinced the SSA to pay him \$98,431.30 in undeserved disability benefits from February 2013 to April 2019.

Finally, Swinton defrauded the DOL by submitting a fraudulent application for workers' compensation benefits. Swinton admitted that to obtain the benefits, he failed to disclose to the agency that he was receiving VA benefits, testified falsely about the manner in which he supported himself, and wrote and signed letters in other people's names to support his claim. Further, after he began receiving benefits, Swinton failed to disclose that he was receiving VA and SSA benefits and repeatedly wrote and submitted letters that purported to be from VA doctors to confirm that his alleged injuries prevented him from working.

On December 6, 2018, a federal grand jury indicted Swinton charging him with seven counts of wire fraud, in violation of 18 U.S.C. § 1343, and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). Swinton pleaded guilty to one count of wire fraud and the remaining counts were dismissed at sentencing.

In addition to the prison term, Judge Gonzalez Rogers ordered Swinton to pay \$632,368.34 in restitution and to serve 3 years on supervised release following his prison term. Swinton has been in custody since his arrest in December 2018 and will begin serving his prison term immediately.

Special Assistant U.S. Attorney Christopher Vieira is prosecuting the case with the assistance of Kimberly Richardson. The prosecution is a result of an investigation by the Offices of Inspectors General of the Department of Veterans Affairs, the Department of Justice, the Social Security Administration, the Office of Personnel Management, and the Department of Labor.