

Department of Justice
U.S. Attorney's Office
Northern District of New York

FOR IMMEDIATE RELEASE

Monday, December 21, 2020

Saratoga Springs Man Charged with COVID-19 Relief Unemployment Insurance Fraud

ALBANY, NEW YORK – Markhwan Berning, age 36, of Saratoga Springs, New York, was arraigned Friday on an indictment charging him with false representation of a social security number.

The announcement was made by Acting United States Attorney Antoinette T. Bacon and Michael C. Mikulka, Special Agent in Charge, New York Region, United States Department of Labor, Office of Inspector General (DOL-OIG).

According to the indictment, between May and July 2020, Berning obtained unemployment insurance benefits, including newly created federal pandemic-related benefits, by falsely representing to the New York State Department of Labor a fake social security number as his own. The charges in the indictment are merely accusations. The defendant is presumed innocent unless and until proven guilty.

If convicted, Berning faces a maximum of 5 years in prison, a term of supervised release of up to 3 years, and a maximum \$250,000 fine. A defendant's sentence is imposed by a judge based on the particular statute the defendant is charged with violating, the U.S. Sentencing Guidelines and other factors.

Berning appeared on Friday before United States Magistrate Judge Christian F. Hummel, and was ordered released with conditions.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020. The CARES Act created, among other unemployment insurance benefits, a new temporary federal program called the Federal Pandemic Unemployment Compensation program (FPUC) that provided an additional \$600 weekly benefit to those eligible for regular unemployment insurance benefits.

The case is being investigated by DOL-OIG, with assistance from the Federal Bureau of Investigation and New York State Department of Labor, Office of Special Investigations, and is being prosecuted by Assistant U.S. Attorney Joshua R. Rosenthal.

This case is being investigated as part of the Department of Justice's COVID Fraud Task Force. To learn more about the Department's efforts to stop illegal COVID-19-related activity, visit www.justice.gov/coronavirus. The public is urged to report suspected fraud schemes related to COVID-19 to the National Center for Disaster Fraud (NCDF) hotline by phone at (1-866-720-5721) or via an online reporting form available at: www.justice.gov/disaster-fraud/webform/ncdf-disastercomplaint-form.

Topic(s):

Financial Fraud

Component(s):

USAO - New York, Northern