

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Dayvell Washington

Case No. Case: 2:24-mj-30462
Judge: Unassigned,
Filed: 10-25-2024 At 08:57 AM
CMP USA V. SEALED MATTER (DA)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 3, 2020 - February 25, 2021 in the county of Wayne in the Eastern District of Michigan, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1349, 18 U.S.C. § 1343, 18 U.S.C. § 1028A and Conspiracy to commint Wire fraud, Wire Fraud, Aggravated Identity theft.

This criminal complaint is based on these facts:
see attached affidavit.

[X] Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 25, 2024

City and state: Detroit, MI

[Handwritten signature]

Complainant's signature

Miguel Colon, Special Agent

Printed name and title

[Handwritten signature: Elizabeth A. Stafford]

Judge's signature

Hon. Elizabeth A. Stafford, United States Magistrate Judge

Printed name and title

**AMENDED AFFIDAVIT IN SUPPORT OF A COMPLAINT**

I, Miguel A. Colon, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent of the U.S. Department of Labor, Office of Inspector General, Office of Investigations - Labor Racketeering and Fraud (“DOL-OIG/OI-LRF”) and have been since December 2017. I am currently assigned to the Federal Bureau of Investigation (“FBI”) Violent Gang Task Force (“VGTF”), where I participate in investigations of street gangs committing various violations of federal law, including weapons and narcotics trafficking, violent crimes, and fraud. Prior to my current assignment, I was assigned to the Homeland Security Investigations’ Document and Benefit Fraud Task Force, where I investigated criminal activity including, but not limited to, identity theft, money laundering, visa fraud and other financial fraud. I have conducted numerous investigations involving identity theft, labor, financial and unemployment insurance fraud schemes. In addition to my experience, I have also received significant law enforcement training, including graduating from the Criminal Investigator Training Program at the Federal Law Enforcement Training Center.

2. As a Special Agent, I have conducted numerous investigations into criminal violations of both Title 29 and Title 18 of the United States Code. During

this time, I have been either the lead agent or supporting agent on several investigations involving criminal schemes targeting the unemployment insurance (“UI”) program through the filing of false or fictitious UI claims. Based on my direct personal experience with these cases, I have become familiar with the methods that criminals use to attack and exploit the UI systems as well as the criminals’ reliance on the use of email and other internet or online tools and systems to facilitate that fraud.

3. Probable cause exists that Dayvell WASHINGTON has engaged in a UI fraud scheme and has committed conspiracy to commit wire fraud (18 U.S.C. § 1349), wire fraud (18 U.S.C. § 1343), and aggravated identity theft (18 U.S.C. § 1028A). His scheme involves the filing of fraudulent UI claims through the internet, with some of those claims using misappropriated personal identifying information (“PII”) of real persons, and the withdrawal of fraudulently obtained UI funds at ATMs in the Eastern District of Michigan, often using UI debit cards that were sent through the mail.

4. I make this affidavit based upon personal involvement in the subject criminal investigation, including review of financial, employment, internet service provider, utility and property records; records from relevant state agencies regarding UI claims; and information and evidence from search warrants in this investigation. I have also been provided with information from other law

enforcement agents and officials, including agents and officials from the FBI and various state workforce agencies. This affidavit does not contain all the facts developed to date in the underlying investigation and is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint and arrest warrant.

### **UNEMPLOYMENT INSURANCE BACKGROUND**

5. The Social Security Act of 1935 initiated the federal and state UI system. The system provides benefits to individuals who are unemployed for reasons beyond their control. The purpose of the UI system is twofold: first, to lessen the effects of unemployment through cash payments made directly to laid-off workers, and second, to ensure that life necessities are met on a weekly basis while the worker seeks employment. Each state operates their own UI agency. The U.S. Department of Labor funds many UI Agency administrative costs, including salaries, office expenses, and computer equipment.

6. State unemployment systems and benefits are joint state and federal enterprises largely financed by taxes on private employers located in that state. In 2020 and 2021, the federal government provided significant supplemental benefits to the states as a result of the COVID-19 pandemic. Beginning in or about March 2020 and continuing through September 4, 2021, the Families First Coronavirus Response Act; Coronavirus Aid, Relief, and Economic Security Act; and the

American Rescue Plan Act of 2021 created federal programs that allowed for the significant outlay of federal funds flowing to and through the states to offset the historic need for unemployment benefits by the American workforce, including in Michigan (and in the Eastern District of Michigan). Collectively, these benefits are often referred to as Pandemic Unemployment Assistance (“PUA”).

7. Normally (in the absence of fraud), an unemployed worker initiates a UI claim. This can be accomplished by submitting a claim in person, over the telephone, or via the Internet. In 2020 and 2021, most UI claims were filed online via the Internet through the respective state workforce agency websites. When a claimant using an internet protocol (“IP”) address registered in Michigan files a claim with an out-of-state UI agency, the servers used to process those claims are located outside the state of Michigan. For example, an Arizona UI claim filed from an IP address registered to a Michigan residence will be processed through a server located outside of the state of Michigan.

8. To be eligible for UI benefits, the worker must demonstrate a certain level of earnings in several quarters immediately preceding the application. The amount of benefits that a UI claimant might be eligible for depends on a variety of factors, including but not limited to the length of his or her previous employment and the amount of wages he or she earned.

9. The state workforce agency will either approve or reject a UI claim based on the application made by the unemployed worker. If the state workforce agency approves a UI claim, the claimant is required to re-certify the claim via telephone or Internet at various times during the life of the claim. The worker must also certify that he or she is still unemployed and actively seeking work. One way in which unemployment benefits are provided to a claimant is with a debit card, issued by Bank of America (“BOA”), which is mailed to the claimant through the U.S. Postal Service.

10. Alternatively, a claimant can provide the state UI Agency with a bank routing number and bank account number so his or her Unemployment Insurance benefits can be transferred via electronic funds transfers (“EFTs”) into his or her bank account. These EFTs originate from one or more accounts maintained by the state UI Agency at Bank of America, N.A., which is a subsidiary of Bank of America Corporation, a bank holding and financial holding company headquartered in Charlotte, North Carolina. All EFTs of UI benefits to Michigan UI claimants, whether via a BOA-provided debit card or via a claimant-provided bank account, involve the transmission of electronic signals through one of BOA’s two data centers, which are located in Virginia and Colorado, and from those data centers to banks and/or ATMs located, for example, in Michigan. In addition, any other state that disperses UI benefits using BOA prepaid debit cards, also involve

the transmission of electronic signals through the aforementioned BOA data centers. These are interstate wire communications.

**PROBABLE CAUSE**

11. The FBI and the DOL-OIG are investigating an unemployment insurance fraud ring that has defrauded various states of UI benefits. Through this investigation, I have probable cause to believe that Dayvell WASHINGTON engaged in an UI fraud scheme that has defrauded multiple states of thousands of federal dollars earmarked for PUA.

12. During the investigation, I determined that Dayvell WASHINGTON was associated with at least five suspected fraudulent UI claims in his own name between May 3, 2020 and February 25, 2021, in the states of Michigan, Arizona, Indiana, New Mexico and California. In addition, follow-on queries of email addresses and phone numbers used in the claims filed in WASHINGTON's name revealed additional claims in the names of other individuals.

13. I also identified an IP address, 73.144.132.59 (hereinafter "IP 59") which was associated with 46 of the 100 UI claims associated with WASHINGTON. An open source database search of IP 59 revealed that is registered to Comcast Communications. In addition, the geolocation data revealed it is associated with the Detroit area. In my training and experience in other fraud

investigations, IP 59 is likely a unique address for a specific Comcast Cable Internet customer residence.

UI Fraud Associated with WASHINGTON

14. On May 3, 2020, a Michigan UI claim was filed in the name, social security number (“SSN”) and date of birth (“D.O.B.”) of Dayvell WASHINGTON, using IP 59. The email address listed on the claim was “dayvellfly@gmail.com.” The phone number listed by the claimant was “248-XXX-4159.” The address listed by the claimant was 148XX Eastwood St., Detroit, MI. Assuming WASHINGTON otherwise qualified for the benefits, there is not currently evidence that suggests this particular claim was fraudulent. However, WASHINGTON filed this potentially legitimate claim using the same information as many fraudulent transactions, as detailed below.

15. A law enforcement database revealed that “148XX Eastwood St., Detroit, MI, was the address registered on WASHINGTON’s Michigan Driver’s License.

16. On June 19, 2020, an Arizona UI claim was filed in the name, SSN and D.O.B. of Dayvell WASHINGTON. The email address listed on the claim was “robertat223@gmail.com.” The address listed by the claimant was 345XX Seaglass Dr., Sterling Heights, MI. The bank account listed by the claimant for the disbursement of UI benefits was Sutton bank account ending in 2864. Records



provided by Sutton Bank, which I have reviewed, revealed that the accountholder listed on account ending in 2864 was Dayvell WASHINGTON. The accountholder email address listed on bank account was “dayvellfly@gmail.com,” the same email address listed on WASHINGTON’s May 3 Michigan UI claim. In addition, the accountholder address on file was “148XX Eastwood St., Detroit, MI, the address on WASHINGTON’s driver’s license.

17. On February 14, 2021, a California UI claim was filed in the name, SSN and D.O.B. of Dayvell WASHINGTON. The address listed by the claimant for the mailing of a BOA UI debit card was 345XX Seaglass Dr., Sterling Heights, MI.

18. A law enforcement database revealed that WASHINGTON was associated with address 345XX Seaglass Dr., Sterling Heights, MI. Specifically, in November 2021, WASHINGTON filed a homeowners insurance claim stating his property had been stolen. The “location of loss” stated on the report was 345XX Seaglass Dr., Sterling Heights, MI.

19. On February 22, 2021, an Indiana UI claim was filed in the name, SSN and D.O.B. of Dayvell WASHINGTON. The email address listed on the claim was “dayvellfly@gmail.com,” which is the same email listed on WASHINGTON’s Michigan UI claim. The phone number listed by the claimant was “248-XXX-4159,” which is the same phone number listed on

WASHINGTON's Michigan UI claim. The address listed by the claimant was 148XX Eastwood St., Detroit, MI – the same address listed on his Arizona UI claim and on his driver's license.

20. On February 25, 2021, a New Mexico UI claim was filed in the name, SSN and D.O.B. of Dayvell WASHINGTON. The email address listed on the claim was "skywalt95@gmail.com." The phone number listed by the claimant was "248-XXX-1480." The address listed by the claimant was 345XX Seaglass Dr., Sterling Heights, MI – the same address listed on WASHINGTON's California UI claim.

21. WASHINGTON's Arizona, California, Indiana and New Mexico claims are suspected to be fraudulent because there are no indications WASHINGTON had any qualifying employment history in these states. In addition, WASHINGTON's Michigan UI claim was filed and had a certification period from April 11, 2020 to September 4, 2021. Claimants are unable to file UI claims in various states during the same period, and therefore, any claim filed during the timeframe of WASHINGTON's Michigan UI claim would also be suspected as fraudulent.

#### Fraud Indicators

22. Through searches of a DOL-OIG database containing information related to UI applications and benefits paid, agents uncovered additional claims

listing the same email addresses, claimant phone numbers, residential addresses, and bank accounts that were listed in the above claims in WASHINGTON's name. These numerous commonalities among the claims are strong indicators of fraud. For instance, phone number 248-XXX-4159 which was listed in WASHINGTON's Indiana and Michigan claims, was listed as the contact phone number on five separate UI claims filed in the names of other individuals in the states of Michigan, Massachusetts, Indiana, Alabama and Pennsylvania. Phone number, 248-XXX-1480, which was listed in WASHINGTON's New Mexico UI claim, was used on 30 separate UI claims filed in other individuals' names in 21 different states. Sutton Bank account ending X-2864, which listed as the claimant account for WASHINGTON's Arizona UI claim, was listed in seven separate UI claims filed in other individuals' names. Email address "skywalt95@gmail.com," which was listed in WASHINGTON's New Mexico UI claim, was used in 13 separate UI claims filed in other individuals' names in 12 separate states. A separate email, "dayvellfly@gmail.com," which was listed in WASHINGTON's Michigan, Arizona, and Indiana UI claims, was used in an additional 13 UI claims filed in other individuals' names in 12 separate states.

23. Based on my training and experience, I know that the filing of UI claims in multiple individuals' names, across multiple states, with repeated use of email addresses, phone numbers, and bank accounts are strong indicators of

identity theft, wire fraud and unemployment insurance fraud. This is because it is unlikely that multiple individuals are entitled to UI benefits across multiple different states and utilize the same email address, phone number, and/or bank account. Figure 1 below illustrates a sample of the UI claims associated with WASHINGTON, and the repeated values and indicators of fraud.

*Figure 1*

Claim State	Name	Claimant Email	Phone	Claim Date	Claimant Address
IN	WASHINGTON, DAYVELL	DAYVELLFLY@GMAIL.COM	248XXX4159	2/22/2021	148XX EASTWOOD ST, DETROIT, MI
MI	WASHINGTON, DAYVELL	DAYVELLFLY@GMAIL.COM	248XXX4159	5/3/2020	148XX EASTWOOD ST, DETROIT, MI
NM	WASHINGTON, DAYVELL	SKYWALT95@GMAIL.COM	248XXX1480	2/25/2021	345XX SEAGLASS DR, STERLING HEIGHTS, MI
CO	F , J	SKYWALT95@GMAIL.COM	248XXX1480	1/26/2021	345XX SEAGLASS DR, STERLING HEIGHTS, MI
LA	F , J	SKYWALT95@GMAIL.COM	248XXX1480	1/26/2021	9XX ALINE ST, NEW ORLEANS, LA
MD	C , I	SKYWALT95@GMAIL.COM	248XXX1480	8/30/2020	XX S WINCHESTER RD, ANNAPOLIS, MD
NE	H , R	DAYVELLFLY@GMAIL.COM	402XXX4060	11/26/2020	16XX BOYCE ST, HASTINGS, NE
AZ	J , E	SKYWALT95@GMAIL.COM	248XXX1480	6/17/2020	148XX EASTWOOD ST, DETROIT, MI
CA	B , J	SKYWALT95@GMAIL.COM		7/30/2020	148XX EASTWOOD ST, DETROIT, MI
DE	H , J	SKYWALT95@GMAIL.COM	248XXX1480	6/13/2020	4XX W 29TH ST, WILMINGTON, DE
FL	C , I	SKYWALT95@GMAIL.COM		9/12/2020	5XX 109TH AVE N, NAPLES, FL
HI	M , J	SKYWALT95@GMAIL.COM	248XXX1480	7/31/2020	1XX PANAWEA ST, HILO, HI
MI	W , S	SKYWALT95@GMAIL.COM	248XXX8099	5/19/2020	133XX DIXIE HWY, HOLLY, MI
MN	A , J	SKYWALT95@GMAIL.COM	248XXX1480	9/10/2020	166XX KENTUCKY AVE, LAKEVILLE, MN
NM	C , I	SKYWALT95@GMAIL.COM	248XXX1480	9/10/2020	XX PRESTON TRL, ANGEL FIRE, NM
WA	A , J	SKYWALT95@GMAIL.COM		3/14/2020	324XX NE 136TH ST, DUVALL, WA
AZ	W , K	DAYVELLFLY@GMAIL.COM	313XXX7084	6/17/2020	148XX EASTWOOD ST, DETROIT, MI

CA	WASHINGTON, DAYVELL	DAYVELLFLY@GMAIL.COM		8/25/2020	83XX STEWART AVE, LOS ANGELES, CA
FL	J , K	DAYVELLFLY@GMAIL.COM	248XXX1480	8/1/2020	148XX EASTWOOD ST, DETROIT, MI
GU	S , K	DAYVELLFLY@GMAIL.COM	671XXX9004	7/25/2020	2XX MAMA SANDY ST, PITL, GU
ID	C , I	DAYVELLFLY@GMAIL.COM		7/28/2020	148XX EASTWOOD ST, DETROIT, MI
IN	C , I	DAYVELLFLY@GMAIL.COM		7/29/2020	148XX EASTWOOD ST, DETROIT, MI
NH	B , C	DAYVELLFLY@GMAIL.COM	248XXX1480	7/26/2020	148XX EASTWOOD ST, DETROIT, MI
NM	S , R	DAYVELLFLY@GMAIL.COM	313XXX5342	7/15/2020	148XX EASTWOOD ST, DETROIT, MI
PR	C , C	DAYVELLFLY@GMAIL.COM	248XXX1480	7/31/2020	148XX EASTWOOD ST, DETROIT, MI

### UI Claim in K.S.’s Name

24. On July 25, 2020, a UI claim was filed in the name of K.S., a real person whose full identity is known to agents but withheld for privacy, in the U.S. territory of Guam. The email address listed on the claim was “dayvellfly@gmail.com,” which is the same email address listed in WASHINGTON’s Michigan, Arizona, and Indiana UI claims. The phone number listed by the claimant was “671-XXX-9004.” The bank account registered by the claimant for the disbursement of UI benefits was Sutton Bank account ending in 2864, which is registered in WASHINGTON’s name.

### UI Claim in C.B.’s Name

25. On July 26, 2020, a New Hampshire UI claim was filed in the name of C.B. A law enforcement database revealed that the SSN used for C.B.’s New Hampshire UI claim was registered to different individual, not C.B. The email

address listed on the claim was “dayvellfly@gmail.com,” which is the same email address listed in WASHINGTON’s Michigan, Arizona, and Indiana UI claims. The phone number listed by the claimant was “248-XXX-1480,” which is the same phone number listed in WASHINGTON’s New Mexico UI claim. The address listed by the claimant was 148XX Eastwood St., Detroit, MI, which is the address listed on WASHINGTON’s driver’s license. The bank account registered by the claimant for the disbursement of UI benefits was Sutton Bank account ending in 2864, which is registered in WASHINGTON’s name.

UI Claim in J.M.’s Name

26. On July 31, 2020, a Hawaii UI claim was filed in the name of J.M., a real person, using IP 59. The email address listed on the claim was “skywalt95@gmail.com,” which was the email address listed in WASHINGTON’s New Mexico UI claim. The phone number listed by the claimant was “248-XXX-1480.” The bank account registered by the claimant for the disbursement of UI benefits was Sutton Bank account ending in 2864, which is registered in WASHINGTON’s name.

UI Claim in J.A.’s Name

27. On March 14, 2020, a Washington UI claim was filed in the name of J.A., a real person, using IP 59. The email address listed on the claim was

“skywalt95@gmail.com,” the same email used in WASHINGTON’s New Mexico UI claim.

28. On September 10, 2020, a second UI claim was filed in the name of J.A. in the state of Minnesota, using IP 59. The email address listed on the claim was “skywalt95@gmail.com.” The phone number listed on the claim was 248-XXX-1480.

29. On July 12, 2023, I interviewed victim J.A. who is a real person and who said s/he was a victim of identity theft. J.A. stated s/he had not received any UI benefits, did not file an UI claims in his name in Minnesota or Washington, and did not give permission to anyone to file a UI claim on his/her behalf.

30. Probable cause exists that WASHINGTON committed wire fraud and aggravated identity theft in connection with the fraudulent UI claim filed in J.A.’s name. The filing of the claim involved an interstate wire transmission as it was filed via the internet from the Eastern District of Michigan with the Washington Employment Security Department and the Minnesota Employment and Economic Development agency, which administer the UI programs for the respective states.

#### UI Claim in D.B.’s Name

31. On August 25, 2020, a California UI claim was filed in the name of D.B., a real person. The email address listed on the claim was

“peterparker19348@gmail.com.” The address listed by the claimant for the mailing of a UI debit card was 166XX Marlowe St., Detroit, MI.

32. On or around August 28, 2020, a BOA UI debit card ending in 3661 in D.B.’s name was mailed, via USPS, to 166XX Marlowe St., Detroit, MI. On August 29, 2020, \$19,020 was deposited in the debit account, established by the California EDD, in D.B.’s name.

33. A review of phone communications between WASHINGTON and Conspirator #1, referenced in more detail below, revealed that WASHINGTON and Conspirator #1, a real person whose identity I know, worked together to file the California UI claim in D.B.’s name.

#### Conspirator #1’s Cell Phone

34. On August 17, 2022, United States Magistrate Judge Kimberly Altman authorized the search of a cell phone belonging to Conspirator #1. On that phone, agents found numerous text messages discussing the filing of UI claims, including some with WASHINGTON (some of which are further discussed below).

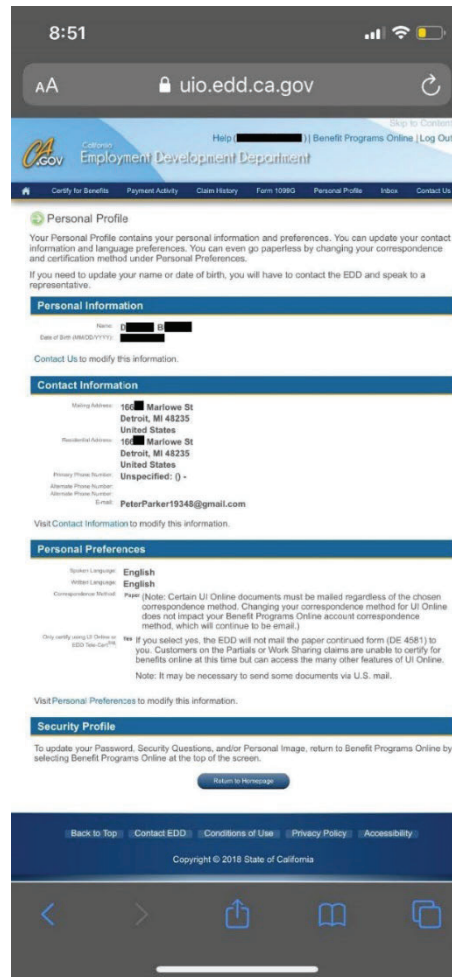
#### Communication Between WASHINGTON & Conspirator #1

35. Agents found messages between Conspirator #1 and WASHINGTON regarding UI fraud on Conspirator #1’s cell phone that further support WASHINGTON’s involvement in unemployment insurance fraud.



36. On August 28, 2020, Conspirator #1 and WASHINGTON exchanged messages in which Conspirator #1 provided WASHINGTON an image of California UI claim application in the name of D.B., referenced above. WASHINGTON instructs Conspirator #1 to have the BOA UI debit card expedited and provides Conspirator #1 the phone number to the California UI agency. WASHINGTON then instructs Conspirator #1 to send the card to him:

Conspirator #1: I changed it



WASHINGTON: Call in the morning ask for it to be expedited

Conspirator #1: What's The #

WASHINGTON: 1 (866) 692-9374

WASHINGTON: Send it to me

Conspirator #1: Jbands got it

Conspirator #1: Ijust Need His Name Birth & SSN when Icall Right

Conspirator #1: 7-10 Days My Shit Will Be At Marlowe

A review of the image Conspirator #1 provided WASHINGTON of D.B.'s California UI application revealed the application contained the same residential address, 106XX Marlowe St., Detroit, MI and email address, "peterparker19348@gmail.com," as D.B.'s August 25 California UI claim referenced above.

37. On September 1, 2020, WASHINGTON sent Conspirator #1 an image containing the names, D.O.B.s, and SSNs of various individuals, to include identity theft victim J.A., referenced in paragraph 27.

38. On May 19, 2021, Conspirator #1 and WASHINGTON exchanged the following messages, in which WASHINGTON identifies his email address as "dayvellfly@gmail.com" and discussed filing UI claims in California:

Conspirator #1: Send me the login stuff

WASHINGTON: Ok

WASHINGTON: Dayvellfly@gmail.com  
XXXXXX [password redacted]

Conspirator #1: It Ain't Working

Conspirator #1: Send that Cali Thing Again

WASHINGTON: You ain't do it

WASHINGTON: What y'all bout to do

Conspirator #1: Naw

Conspirator #1: & go on HBlock

WASHINGTON: What's going on over there

WASHINGTON: And it's ask edd

In my training and experience, "edd" is a reference to the Employment Development Department, which is the agency that administers the UI program for the state of California.

### **CONCLUSION**

39. Based on the forgoing, there is probable cause to believe that Dayvell WASHINGTON has committed conspiracy to commit wire fraud (18 U.S.C. § 1349), wire fraud (18 U.S.C. § 1343), and aggravated identity theft (18 U.S.C. § 1028A) in connection with a scheme to defraud the federal/state unemployment insurance programs and obtain unemployment benefits by means of false and fraudulent pretenses and representations.

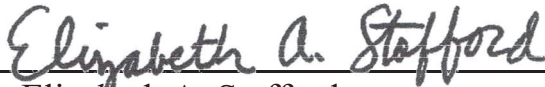
Respectfully submitted,



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Miguel A. Colon, Special Agent  
U.S. Department of Labor  
Office of Inspector General

Sworn to before me and signed in my presence  
and/or by reliable electronic means.



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Hon. Elizabeth A. Stafford  
United States Magistrate Judge

Dated: October 25, 2024