

N.C.P.I.-Crim. 220.55
FRAUDULENTLY [OBTAINING] [INCREASING] BENEFIT UNDER
UNEMPLOYMENT INSURANCE. FELONY, MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2013
N.C. Gen. Stat. § 96-18(a)

220.55 FRAUDULENTLY [OBTAINING] [INCREASING] BENEFIT UNDER
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The defendant has been charged with committing unemployment insurance fraud by making a false [statement] [representation].

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant made a false [statement] [representation];

Second, that the defendant did so while [[knowing the [statement] [representation] to be false]] [[knowing that [he] [she] failed to disclose a material fact]];

Third, that the defendant did so with the purpose of [obtaining] [increasing] any benefit under [the Unemployment Insurance Laws] [[an employment security law of any other [state] [federal government] [foreign government] for [himself] [herself] [any other person]]¹;

And Fourth, that the benefit wrongfully obtained by the defendant had a [value of more than \$400] [value of \$400 or less].²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant made a false [statement] [representation], that the defendant did so while [[knowing the [statement] [representation] to be false]] [[knowing that [he] [she] failed to disclose a material fact]], that the defendant did so with the purpose of [obtaining] [increasing] any benefit under [the Unemployment Insurance Laws] [[an employment security law of any other [state] [federal government] [foreign government]]] for [himself] [herself] [any

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other person], and that the benefit wrongfully obtained by the defendant had a [value of more than \$400]
[value of \$400 or less], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 96-18(a) states, "Records with any necessary authentication thereof, required in the prosecution of any criminal action brought by another state or foreign government for misrepresentation to obtain benefits under the law of this state shall be made available to the agency administering the employment security law of any such state or foreign government for the purpose of such prosecution."

2. N.C. Gen. Stat. § 96-18(a) (1)-(2) state that if the benefit wrongfully obtained has a value of more than \$400, it is a felony, while if the benefit wrongfully obtained has a value of \$400 or less, it is a misdemeanor.