

July 24, 2008

House Subcommittee on Immigration

Thank you for allowing me the opportunity to share my experience with you.

In April of 2004 I had the life I always wanted. My husband and I, by no means wealthy, were comfortable. In one afternoon this was taken. Not at once, but a slow beginning to what is now a life filled with a day to day struggle trying to get back what we had.

On April 12, 2004 we acquired custody of my biological niece. My now estranged sister was in a relationship with an illegal immigrant. It is our understanding that our personal identification was stolen from the adoption paperwork.

After a family vacation in April of 2005 we received a letter stating that my husband's drivers license would be suspended, and there was a warrant for his arrest. We assumed there was an error. After investigating we found that someone was stopped at 3:30AM in a nearby town speeding in Feb.05'.

The impersonator had no proof of insurance, and only a fake Social Security card with my husband's name and SS# on it. The speeding ticket had Jamey Dee Costner printed by the imposter. We were also told he could not speak English. Despite this he was allowed to go.

When no one paid the ticket or appeared for the court date a letter was sent to inform us of the punishment we would face. The car he was driving was registered to my sister. However we had to pay an attorney to write the TN Department of Transportation advising we were the victims of identity theft.

The Detective handling the case, Mr. Bob Ellis, contacted us and advised that the same illegal immigrant had worked at least two jobs in my husbands name. We were in shock, but foolishly believed these companies when they stated that they would inform the IRS. Despite our anger we managed to move on . Things were quiet for a while.

Later in 2005 the illegal immigrant was jailed on a completely different charge. He had broken the window of my sisters car. My Mother informed me and I contacted the county he was arrested in. Taking more time off work my husband and I went to his court date to provide the info of the ID theft for the jobs and speeding ticket. The DA assured us this man would be deported and also we saw where he had been previously charged two

separate times using the identity of other American Citizens. The entire process was unimaginable to me, how could this happen? If I am caught without proof of insurance my car would be towed, and the thought of using another persons identity for my own personal gain, well the thought alone baffles me. Yet we left finally feeling vindicated.

Less than 30 days later we received a phone call around 3 AM. It was the illegal immigrant, Douglas Valdez. Laughing and in broken English

he said "They do nothing to me". He went on to tell my husband the make and model of our vehicles, named where we worked and our departure time.

He then mentioned the name of Molly, our little girl. He rotated from Spanish to broken English, yet the threats were clear. We had told on him, and the Government had set him free. We would hang up, he would call back. I called the local police department and was advised to have our phone # changed. Never have I felt so betrayed. If only the phone # was the issue, we were being threatened, yet he was able to live by a different standard of rules than us. We kept our #. Periodically for the next few months he would call and we would take our phone off the hook. Every contact we made at any level of authority had seemed to feel compassion, but had no answers or help. We had to live our life and do the best to protect our family, the stress was the last thing needed, I was pregnant expecting in April of 2006.

March 29,2006 we had Mason. I took maternity leave and for a while everything was back on track. A couple of months after I returned to my job I began to clean up some of the reports that had piled up. I worked in sales in the lumber division of a wholesale hardware company. I'd been bitten on my head by a Brown Recluse spider. I was hospitalized for 10 days with encephalitis and a severe MRSA infection. This was in October of 2006. I was released to return to work in February of 2007. On Valentine's Day I made a call to the TN Department of Labor I had some questions before I returned to work. The lady I spoke with took my SS# and from the beginning of our conversation it was obvious we were not on the same page. She finally asked me why I was receiving benefits from Worker's Compensation when she had a record of me filing another claim on Jan. 22, 2007 At first I thought the system had transposed some #'s. However someone had filed a claim using my maiden name Lora Elizabeth Hale on Jan. 22, 2007. The customer service rep asked me if I had quote, "Fell off the line and hurt my elbow de-boning chickens at Koch Foods" - my heart sank, I knew what we had believed was taken care of a year before had just grown. I imagine the distress in my voice made the lady believe me. She gave me the workers comp claim #, date, and the ER info where "I'd" gone to be treated. Still being naïve I

immediately called Koch Foods. I thought they would be as outraged as I was, however that is not what I received. After being transferred to several different people I spoke with Tim Steffin, the HR Director. He told me that he had no way of knowing if I was Lora Hale or if the person working there was Lora Hale. He did advise that she could not speak English and suggested I meet there and she and I could come in the office at the same time and try to get this straightened out. To say I was irate would take away from my anger. Realizing all of my identification had the name Lora Costner, I took my marriage certificate off the wall in the frame and went to Koch Foods . The HR Manager advised me that the lady using my identity would be there at 4 PM and he would discuss this with her then. He also advised that he did not usually get the police involved in these matters. I realized this was not normal, however I told him, that was fine and left. I went straight to the police and filled out a report.

A court date was set for the next month. My husband and I took more time off work, went to the court date. The lady, Elizabeth Bautista Velasco, could speak no English. Through an interpreter she admitted working there using the name Lora Elizabeth Hale for almost two years. She was charged with a misdemeanor, the DA told us he could try for more, but could not guarantee she would receive any more time. Our faith in the system was already depleted, and we were tired. So we agreed with the recommendation.

Less than two weeks later we received a letter from the IRS. For the tax year of 2005 alone we owed \$7,854.00. I sent letters to the IRS with copies of court records, letters from our place of employment (we had worked for the same company, I had been there for 12 years and Jamey for 8 years, both full time) Detective Bob Ellis from the Hamblen County Police Department wrote a letter on our behalf. For the IRS this was not enough. Everything we sent only made them ask for more. The taxes were also adding to the owed amount. In late September of 2007 we received a letter stating that we needed to send a money order to stop our wages from being garnished. We had fifteen days to send this money to place the garnishment on hold while an independent counsel would decide if we would be granted an appeal. During this time I faxed a letter to State Rep. Mr. Eddie Yokley and State Senator Bob Corker. Mr. Yokley called and spoke with my husband and said he had never dealt with a situation like this and would be glad to help but did not know what to do. Mr. Corker's office sent us a letter with a brochure on legal aide. I contacted legal aide and was advised we made too much money for assistance. We sent the money and were planning to hire an attorney when the IRS advised if our appeal request was granted.

While waiting on the response to our appeal a local newspaper wrote an article in December of 2007. The article stated that a lady who lived in

Maine was about to lose her disability due to wages she had not earned, yet the IRS claimed she had. The place of employment was Koch Foods in Morristown, TN. She had traveled thru the area two years prior and had her wallet stolen. I decided to call the reporter. I truly just wanted to advise this had happened to us. Mr. Robert Moore wrote an article about our situation. He also told me that Rep. David Davis was known for helping in this battle. The same day Mr. Davis' office faxed me a release form giving permission for him to speak to the IRS on our behalf.

Mr. Davis' office was in contact with us, however we were still receiving letters from the IRS. Finally in March of 2008 we had to send \$99.00 and received a release for the 2005 tax year.

The IRS rep that I spoke with said that we should expect delinquent notices for 2006 & 2007. To date we have not, but it was 2 years before we received the notice for 2005.

A local station did a report on our situation that appeared on the 5PM channel 6 news. A reporter for the Knoxville News Sentinel then picked up the story and wrote an article. I have found that people are in shock that this can happen. Since the articles we have had calls with offers to help, but no one knows what to do. One of the most disturbing options was for us to change our names and SS#'s.

The workers comp claim the illegal immigrant had in my name was paid by the insurance carrier for Koch Foods, however there is no record of anyone using my name or SS# at the local hospitals. I also have faxes from a local physicians office where a Hispanic lady checked into the office using the name Lora Hale and my DOB and SS#, yet the next day when she checked in the hospital for a procedure she had no SS# and used her Hispanic name. This was in March of 2006. The physician was on OBGYN, his office provided me with a fax that was sent to the HR department of Koch Foods stating the discrepancies. However she continued working there until I caught her. It is my belief she filed my name at the OBGYN to receive FMLA leave, and her Hispanic name at the hospital for free medical. And the same with the Comp claim. It will forever be on my record, but how did the insurance carrier pay a claim that was reported in one name and treated in another?

I understand there is an argument that illegal immigrants are here only to make a living, a better life for their families. But I question at what expense? We have always worked hard. We were doing the right thing and taking in a little girl. The guilt I have since this was my biological sister has been devastating. My husband and I have sought counseling yet the damage has been done. We are a shell of the happy couple we once were.

I will close by telling you that I think anyone who goes thru the proper channels to achieve the “American Dream” should be allowed. No matter what your dream is this Country has always given the opportunity to work hard and achieve it. I know this because at one time I was living my dream, however “small”, it was all I’d wished for.

Now I have to fight every day to prove I am who I say. I wonder how many of you are willing to give up all you have worked for? That option was not given to us, our identity was taken. After extensive research we now know we can never fully regain who we rightfully are.

Every day is a constant fight for the rest of our lives to defend who we are. This is a fight that should have never begun. A tedious day to day worry that has taken many joys, happy times, and life. A life that we did all the correct things, and we earned. But is no longer ours.

Sincerely,

Lora E. Costner