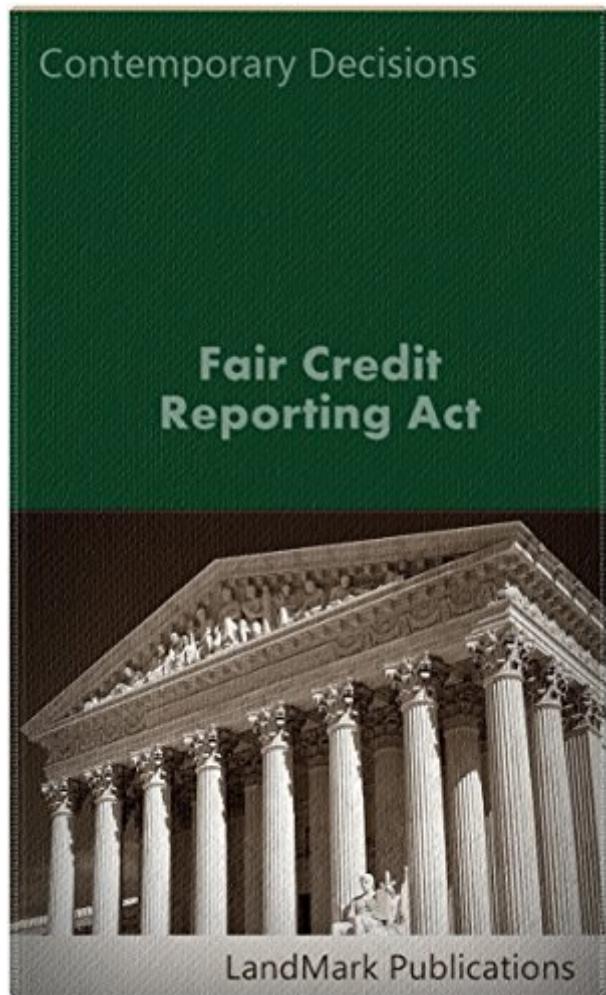


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# Fair Credit Reporting Act (Litigator Series)



## **Synopsis**

THIS CASEBOOK contains a selection of 43 U. S. Court of Appeals decisions that analyze and interpret provisions of the Fair Credit Reporting Act. The selection of decisions spans from January 2005 to the date of publication. Congress enacted the FCRA to address a "need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy." 15 U.S.C. § 1681(a)(4). It places responsibilities on both consumer reporting agencies and furnishers of information, including debt collectors. E.g. 15 U.S.C. §§ 1681i, 1681s-2. When a consumer disputes a debt directly with a reporting agency, [ ] the agency must within 30 days "conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate and record the current status of the disputed information, or delete the item from the file" if it is "found to be inaccurate, incomplete, or cannot be verified." § 1681i(a)(1)(A), (5)(A). When a furnisher of information [ ] is contacted as part of this reinvestigation process, it is obligated to "conduct an investigation with respect to the disputed information" and report the results to the consumer reporting agency. § 1681s-2(b). *McIvor v. Credit Control Services, Inc.*, (8th Cir. 2014). [Under § 1681s-2(b) of the FCRA,] a furnisher of information who has received notice of a dispute from a CRA [Credit Reporting Agency] is required to: (1) investigate the disputed information; (2) review all relevant information provided by the CRA; (3) report the results of the investigation to the CRA; (4) report the results of the investigation to all other CRAs if the investigation reveals that the information is incomplete or inaccurate; and (5) modify, delete, or permanently block the reporting of the disputed information if it is determined to be inaccurate, incomplete, or unverifiable. *Llewellyn v. Allstate Home Loans, Inc.*, 711 F.3d 1173, 1178 (10th Cir. 2013) (internal quotation marks omitted). The FCRA requires furnishers of information not only to "correct incomplete or inaccurate information," but to correct "information provided in such a manner as to create a materially misleading impression." *Id.* at 1186 (internal quotation marks omitted). *Schueller v. Wells Fargo & Co.*, (10th Cir. 2014) Any "person" who willfully or negligently fails to comply with the Fair Credit Reporting Act is liable for damages. 15 U.S.C. §§ 1681n(a), 1681o(a). "Person" is a defined term: "any individual, partnership, corporation, trust, estate, co-operative, association, government or governmental subdivision or agency, or other entity." 15 U.S.C. § 1681a(b) (emphasis added). [ . . . ] By authorizing monetary relief against every kind of government, the United States has waived its sovereign immunity. *Bormes v. US*, 759 F. 3d 793 (7th Cir. 2014).

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