

November 24, 2025

## **FORMAL NOTICE OF DISPUTE - Round 1**

**To: Experian**

ACCOUNT: Multiple Accounts

[Certified Mail - Return Receipt Requested] [Tracking Number: \_\_\_\_\_]

December 19, 2024

Experian Information Solutions, Inc. Consumer Dispute Center P.O. Box 4500 Allen, TX 75013

**\*\*RE: FORMAL FCRA DISPUTE - DEMAND FOR IMMEDIATE INVESTIGATION & CORRECTION\*\*** \*\*CONSUMER:\*\* Daniel Fermin \*\*FILE NUMBER:\*\* [If known from credit report] \*\*DISPUTE ROUND:\*\* 1 - Initial Formal Dispute \*\*LEGAL BASIS:\*\* Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.

Dear Experian:

I am writing to formally dispute multiple inaccurate, incomplete, and unverifiable items in my consumer credit file maintained by your company. This dispute is made pursuant to my statutory rights under the Fair Credit Reporting Act (FCRA) and demands immediate, thorough investigation and correction of the serious violations detailed below.

### **\*\*I. LEGAL FOUNDATION FOR DISPUTE\*\***

Under FCRA 1681i(a)(1)(A), I have the absolute right to dispute any information in my credit file that I believe is inaccurate or incomplete. Your agency is legally required to:

1. **\*\*Conduct reasonable investigation\*\*** within 30 days ( 1681i(a)(1)(A))
2. **\*\*Follow reasonable procedures\*\*** to ensure maximum possible accuracy ( 1681e(b))
3. **\*\*Delete**

unverifiable information\*\* within 5 business days ( 1681i(a)(5)(A) ) 4. \*\*Notify furnishers\*\* of disputed information within 5 business days ( 1681i(a)(2) ) 5. \*\*Provide written results\*\* of investigation ( 1681i(a)(6)(A) ) 6. \*\*Notify third parties\*\* who received inaccurate information ( 1681i(a)(8) )

## **\*\*II. SPECIFIC DISPUTED ITEMS & FCRA VIOLATIONS\*\***

### **### DISPUTE #1: OPENSKY CBNK - INCONSISTENT CROSS-BUREAU REPORTING**

\*\*Account Information:\*\* - \*\*Original Creditor:\*\* OPENSKY CBNK - \*\*Account Type:\*\* Credit Card - \*\*Your Reported Information:\*\* [Specific data from Experian report] - \*\*Contradictory Information:\*\* TransUnion reports different last reported dates and high credit amounts for identical account - \*\*Violation:\*\* This inconsistency violates FCRA 1681s-2(a)(1)(A) and 1681e(b)

\*\*Factual Inaccuracy:\*\* Your bureau reports this account with information that directly contradicts the reporting by TransUnion for the identical account. The same account cannot legitimately have different "last reported dates" and different "high credit amounts" across credit bureaus. This inconsistency demonstrates a fundamental failure to maintain reasonable procedures for accuracy.

\*\*Legal Violation Analysis:\*\* - \*\*FCRA 1681s-2(a)(1)(A):\*\* Prohibits furnishing information known to be inaccurate - \*\*FCRA 1681e(b):\*\* Requires reasonable procedures to assure maximum possible accuracy - \*\*Violation:\*\* Cross-bureau inconsistencies demonstrate systematic failure of accuracy procedures

\*\*Supporting Case Law:\*\* - \*\*Cushman v. Trans Union Corp., 115 F.3d 220 (3d Cir. 1997):\*\* Credit reporting agencies must maintain reasonable procedures for accuracy across their entire reporting system - \*\*Westra v. Credit Control of Pinellas, 409 F.3d 825 (7th Cir. 2005):\*\* Credit reporting agencies must reconcile contradictory information before reporting

\*\*Cross-Bureau Coordination Failure:\*\* The fact that you and TransUnion report the same account with different information indicates systematic failure to coordinate with furnishers and ensure consistent, accurate reporting. This violates your duty to maintain reasonable procedures for accuracy.

**\*\*Demand Action:\*\*** 1. **\*\*Immediately investigate\*\*** this cross-bureau inconsistency 2. **\*\*Contact the furnisher\*\*** to determine accurate information 3. **\*\*Coordinate with TransUnion\*\*** to ensure consistent reporting 4. **\*\*Correct your reporting\*\*** to match verified accurate information 5. **\*\*Delete the item\*\*** if accurate information cannot be verified

## **### DISPUTE #2: TBOM/MILSTNE - CONTRADICTORY PAYMENT HISTORY**

**\*\*Account Information:\*\*** - **\*\*Original Creditor:\*\*** TBOM/MILSTNE - **\*\*Your Reported Information:\*\*** Shows both "past due history" AND "all current payments" - **\*\*Internal Contradiction:\*\*** Same account cannot have both past due and all current payment history - **\*\*Violation:\*\*** Internal contradiction violates FCRA 1681e(b) and 1681s-2(a)(1)(A)

**\*\*Factual Contradiction:\*\*** Your credit report contains an internal contradiction regarding the TBOM/MILSTNE account. One section of your report indicates "past due history" while another section shows "all current payments" for the identical account. This internal contradiction is factually impossible and creates false derogatory information.

**\*\*Legal Violation Analysis:\*\*** - **\*\*FCRA 1681e(b):\*\*** Requires reasonable procedures to ensure accuracy and internal consistency - **\*\*FCRA 1681s-2(a)(1)(A):\*\*** Prohibits reporting information known to be inaccurate - **\*\*Violation:\*\*** Internal contradictions demonstrate failure to maintain reasonable quality control procedures

**\*\*False Derogatory Impact:\*\*** This contradiction creates false negative information about my payment history. Creditors reviewing my report may focus on the "past due history" notation while ignoring the contradictory "all current payments" information, leading to credit denials or higher interest rates based on false information.

**\*\*Supporting Case Law:\*\*** - **\*\*Cahlin v. General Motors Acceptance Corp., 936 F.2d 1151 (11th Cir. 1991):\*\*** Internal contradictions in credit reports violate FCRA accuracy requirements - **\*\*Bryant v. TRW, Inc., 689 F.2d 72 (6th Cir. 1982):\*\*** Credit reporting agencies liable for reporting information that creates false impressions - **\*\*Thompson v. San Antonio Retail Merchants Ass'n, 682 F.2d 509 (5th Cir. 1982):\*\*** FCRA requires internal consistency within credit reports

**\*\*Quality Control Failure:\*\*** This internal contradiction demonstrates complete failure of basic quality control procedures. Any reasonable review process should identify and resolve contradictory information within the same credit report before dissemination to third parties.

**\*\*Demandec Action:\*\*** 1. **\*\*Immediately investigate\*\*** this internal contradiction 2. **\*\*Contact the furnisher\*\*** to determine accurate payment history 3. **\*\*Reconcile contradictory information\*\*** before continuing to report 4. **\*\*Correct to accurate information\*\*** or delete if unverifiable 5. **\*\*Implement quality control\*\*** to prevent internal contradictions

### **\*\*III. PATTERN OF SYSTEMATIC VIOLATIONS\*\***

The above violations demonstrate systematic failure to maintain reasonable procedures required by FCRA: - Cross-bureau inconsistencies indicating coordination failures - Internal contradictions showing quality control breakdowns - Multiple violations affecting the same consumer file

This pattern suggests reckless disregard for FCRA accuracy requirements that may constitute willful violations under *\*Safeco Insurance Co. v. Burr\**.

### **\*\*IV. WILLFULNESS EVIDENCE & ENHANCED LIABILITY\*\***

Your company's violations evidence reckless disregard of FCRA requirements:

**\*\*Direct Knowledge Factors:\*\*** - Experian is a major credit reporting agency with comprehensive FCRA training - Subject to extensive CFPB oversight and regulatory guidance - Prior consent orders and regulatory actions addressing accuracy procedures - Industry leadership role requiring knowledge of basic accuracy standards

**\*\*Recklessness Indicators:\*\*** - Internal contradictions demonstrate absence of basic quality control - Cross-bureau inconsistencies indicate systematic coordination failures - Continuing to report contradictory information despite obvious conflicts - Failure to implement industry-standard reconciliation procedures

**\*\*Regulatory History:\*\*** - Experian subject to multiple CFPB enforcement actions regarding data accuracy - Prior settlements involving similar systematic reporting failures - Extensive regulatory guidance on credit reporting accuracy requirements - Industry-wide enforcement actions addressing similar procedural breakdowns

This evidence supports a finding of **\*\*willful violation\*\*** under *\*Safeco\**, entitling me to enhanced statutory damages with potential multipliers, plus actual damages and punitive damages.

## **\*\*V. MY DAMAGES & YOUR LIABILITY EXPOSURE\*\***

\*\*Statutory Damages for Identified Violations:\*\* - \*\*OPENSKY Inconsistent Reporting:\*\* \$100-\$1,000 statutory damages - \*\*TBOM Contradictory Payment History:\*\* \$100-\$1,000 statutory damages - \*\*Base Statutory Range:\*\* \$200-\$2,000 - \*\*Willfulness Enhancement:\*\* 2x-3x multiplier = \$400-\$6,000

\*\*Actual Damages from Your Violations:\*\* - \*\*False Derogatory Impact:\*\* Contradictory payment history creates negative impression - \*\*Credit Score Suppression:\*\* Violations suppress score by estimated 15-25 points - \*\*Decision Impact:\*\* 5 creditors accessed report during violation periods - \*\*Rate Premium:\*\* Higher rates due to false negative information - \*\*Quantified Harm:\*\* \$1,000-2,500 in decision impacts and rate premiums

\*\*Punitive Damages (if willful):\*\* - \*\*Standard:\*\* 1:1 to 3:1 ratio to statutory damages - \*\*Your Exposure:\*\* \$600-6,000 in punitive damages for systematic violations

\*\*Total Potential Liability:\*\* \$2,000-14,500

## **\*\*VI. INVESTIGATION REQUIREMENTS & DEADLINES\*\***

Per FCRA 1681i(a)(1)(A), you must complete investigation of this dispute within \*\*30 days\*\* of receiving this letter.

\*\*Required Investigation Steps:\*\* 1. \*\*Contact furnishers within 5 days\*\* ( 1681i(a)(2)) 2. \*\*Conduct thorough investigation\*\* - not automated form response 3. \*\*Reconcile contradictory information\*\* before continuing to report 4. \*\*Coordinate with other bureaus\*\* to ensure consistent reporting 5. \*\*Delete unverifiable items\*\* within 5 days of determination ( 1681i(a)(5)(A)) 6. \*\*Provide written results\*\* within 30 days ( 1681i(a)(6)(A))

## **\*\*VII. FORMAL DEMANDS\*\***

I hereby demand that you:

1. \*\*Begin investigation immediately\*\* upon receipt of this letter 2. \*\*Contact all relevant furnishers within 5 days\*\* to verify accurate information 3. \*\*Reconcile internal contradictions\*\* in TBOM account reporting 4. \*\*Coordinate with TransUnion\*\* to resolve OPENSKY inconsistencies 5. \*\*Correct all inaccurate information\*\* to match verified data 6. \*\*Delete

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December 19, 2024

Experian Information Solutions, Inc. Consumer Dispute Center P.O. Box 4500 Allen, TX  
75013

**\*\*RE: CUSHMAN-STANDARD METHOD OF VERIFICATION REQUEST\*\*** **\*\*CONSUMER:\*\***  
Daniel Fermin **\*\*LEGAL BASIS:\*\*** Cushman v. TransUnion Corp., 115 F.3d 220 (3d Cir. 1997)  
**\*\*REQUEST TYPE:\*\*** Business Records Documentation for Disputed Accounts

Dear Experian:

Pursuant to \*Cushman v. TransUnion Corp.\*, 115 F.3d 220 (3d Cir. 1997), and FCRA 1681i(a)(6)(A), I hereby request that you provide the **\*\*Method of Verification\*\*** documentation for all disputed accounts in my credit file.

**\*\*LEGAL REQUIREMENT:\*\***

Under \*Cushman\*, credit reporting agencies and furnishers must maintain tangible documentary evidence supporting all reported information. Upon consumer dispute, you must provide access to the business records used to verify the accuracy of disputed information.

**\*\*SPECIFIC ACCOUNTS REQUIRING VERIFICATION:\*\***

**### ACCOUNT #1: OPENSKY CBNK**

**\*\*Required Business Records:\*\*** 1. **\*\*Original Account Agreement\*\*** - Complete terms and conditions 2. **\*\*Account Opening Documentation\*\*** - Application and approval records 3. **\*\*Complete Transaction History\*\*** - All charges, payments, and adjustments 4. **\*\*Monthly Billing Statements\*\*** - Covering entire reporting period 5. **\*\*Payment Processing Records\*\*** -

Proof of payment dates and amounts 6. \*\*Account Status Change Documentation\*\* - Any status modifications 7. \*\*Metro 2 Format Submissions\*\* - All data furnished to your bureau 8. \*\*Cross-Bureau Coordination Records\*\* - Communications with TransUnion regarding inconsistencies 9. \*\*Furnisher Communications\*\* - All correspondence about this account 10. \*\*Quality Control Records\*\* - Procedures for ensuring cross-bureau consistency

### **### ACCOUNT #2: TBOM/MILSTNE**

\*\*Required Business Records:\*\* 1. \*\*Original Creditor Documentation\*\* - Account establishment records 2. \*\*Complete Payment History\*\* - All payment transaction records with dates and amounts 3. \*\*Account Status Documentation\*\* - Current and historical status records 4. \*\*Derogatory Information Support\*\* - Documentation supporting "past due history" notation 5. \*\*Current Payment Records\*\* - Documentation supporting "all current payments" notation 6. \*\*Reconciliation Records\*\* - How you reconciled contradictory payment information 7. \*\*Furnisher Data Submissions\*\* - All Metro 2 format data received 8. \*\*Quality Control Records\*\* - Procedures for identifying internal contradictions 9. \*\*Investigation Documentation\*\* - Any prior investigations of this account 10. \*\*Correction Procedures\*\* - Your process for resolving contradictory information

\*\*Specific Verification Requirements for Internal Contradiction:\*\* - \*\*Quality Control Logs\*\* - Records showing internal consistency checks - \*\*Contradiction Detection Reports\*\* - Documentation of procedures to identify conflicts - \*\*Data Processing Records\*\* - How contradictory information was processed and reported - \*\*Resolution Procedures\*\* - Your process for resolving internal contradictions

### **\*\*CUSHMAN STANDARD REQUIREMENTS:\*\***

Per \*Cushman\*, you must provide: 1. \*\*Tangible Business Records\*\* - Not computer printouts or summaries 2. \*\*Original Source Documentation\*\* - Primary records supporting reported information 3. \*\*Complete Verification Chain\*\* - From furnisher to your reporting systems 4. \*\*Quality Control Documentation\*\* - Procedures used to ensure internal consistency 5. \*\*Investigation Records\*\* - Documentation of dispute investigation process

### **\*\*DEADLINE FOR RESPONSE:\*\***

You must provide this documentation within \*\*30 days\*\* of receiving this request, concurrent with your dispute investigation response required under FCRA 1681i(a)(6)(A).

**\*\*FAILURE TO PROVIDE DOCUMENTATION:\*\***

Failure to provide adequate Method of Verification documentation will constitute: - Additional FCRA violation under 1681i(a)(6)(A) - Evidence that disputed information is unverifiable and must be deleted - Support for willful violation findings under \*Safeco Insurance Co. v. Burr\* - Basis for enhanced damages and attorney's fees

I expect your complete response within 30 days.

Sincerely,

Daniel Fermin [Address] [Phone Number] [Email Address]

Sincerely,

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Daniel Fermin

Consumer