



Comptroller of the Currency
Administrator of National Banks

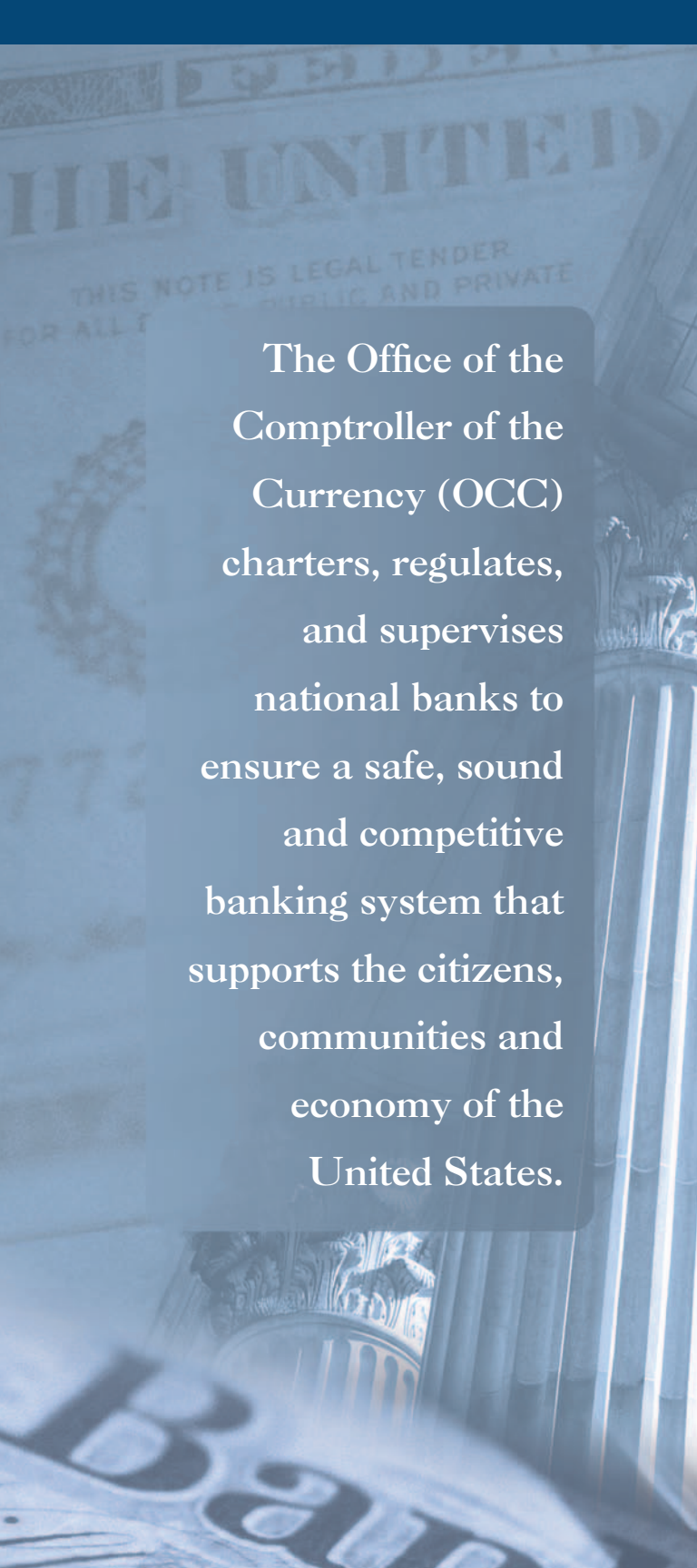
Assistance for Customers of NATIONAL BANKS



OFFICE OF THE OMBUDSMAN
Customer Assistance Group
1-800-613-6743

1301 McKinney Street, Suite 3450
Houston, Texas 77010-9050

www.occ.treas.gov



The Office of the
Comptroller of the
Currency (OCC)
charters, regulates,
and supervises
national banks to
ensure a safe, sound
and competitive
banking system that
supports the citizens,
communities and
economy of the
United States.

What is the OCC?

The Office of the Comptroller of the Currency (OCC) is the federal agency that charters, regulates, and supervises national banks. The OCC ensures that national banks operate safely and soundly and in compliance with applicable laws and regulations. The OCC can also provide assistance to ensure that national bank customers receive fair and timely resolution of their complaints, if they are unable to resolve their problems with a national bank.

What kind of bank does the OCC regulate?

The OCC regulates national banks and their operating subsidiaries. A national bank has the words “National,” “National Association,” or “N.A.” in its name. National banks conduct some of their banking activities through companies called operating subsidiaries. These subsidiaries are nonbank companies that are owned by national banks and that, among other things, offer banking products and services to consumers such as loans, mortgages, and leases. To determine whether an operating subsidiary is associated with a bank that is supervised by the OCC, go to the OCC’s Web site at www.occ.gov/customer.htm#OpSub for a searchable list of national bank operating subsidiaries that do business directly with consumers.

What is the Office of the Ombudsman?

The Office of the Ombudsman is a distinct division of the OCC that operates independently of the the agency's bank supervision function. There are three primary functions within the Ombudsman's office: the National Bank Appeals Process, the Bank Examination Questionnaire, and the Customer Assistance Group (CAG). The Office of the Ombudsman is committed to the core principles of timely and fair dispute resolution.

What should I do if I have a problem with a national bank?

Because you and your bank are most familiar with the issues, you should first contact your bank to try to address the inquiry or concern.

- Put your complaint to the bank in writing. Set out the facts as clearly as possible, including important details, and state your desired resolution.
- Remember to enclose copies of any relevant documents that support your case. Keep a copy of any letters between you and the bank as you may need to refer to them later.



If you are dissatisfied with the bank's decision, you can contact the OCC's Customer Assistance Group (CAG). The CAG's mission is to:

- Assist customers of national banks and their operating subsidiaries who have complaints or other issues related to applicable banking laws and regulations.
- Provide an avenue to offer informal consumer education on banking and the use of credit.
- Answer questions and provide guidance related to banking laws, regulations, and practices.



How can I contact the CAG?

While the OCC's Customer Assistance Group can accept only written, signed complaints, there are several other ways for you to contact the CAG for general inquiries.

- **Toll-free telephone: 1-800-613-6743**
Monday – Thursday, 9:00 a.m. to 4:00 p.m. CST
Friday, 9:00 a.m. to 3:00 p.m. CST
- **Fax: 713-336-4301**
- **Mail:**
Office of the Comptroller of the Currency
Customer Assistance Group (CAG)
1301 McKinney Street, Suite 3450
Houston, Texas 77010-9050
- **E-mail:**
customer.assistance@occ.treas.gov
- **Internet address: www.occ.gov**

What will happen if I call the CAG?

When you call the CAG for help, you should tell the customer assistance specialist the name of the national bank or operating subsidiary, the nature of your problem, and your desired results.

The specialist will record your information, review your concerns, and give you guidance about what you can do. If the specialist can't help you over the phone, or thinks that more information is needed, he or she may ask you to file a written complaint.

How do I file a written complaint?

You can file a written complaint about a national bank or an operating subsidiary of a national bank by writing or faxing the CAG. You should include the following information in your correspondence:

- Your name, address, and telephone number.
- Your signature. If you are acting on behalf of another person, you need a signed authorization from that person.



- The name and address of the national bank or operating subsidiary.
- Type of account you have.
- The account number and a copy of any bank statements related to your problem.
- A brief statement of the facts concerning your complaint and desired results.
- Copies of any related documentation, including correspondence between you and the bank.

We will acknowledge receipt of your complaint by letter. We will also research the issues raised by your complaint, contacting the bank for a response if necessary. We will then send you another letter describing our findings. If we can't resolve the complaint in the way you requested, you may need to pursue separate legal options.

Will the OCC always be able to resolve my problem?

Not always. Sometimes a complaint relates to a factual or contractual dispute that only a court of law can resolve.

Many complaints involve issues covered by the bank's internal policies. Such bank policies might not be governed by federal laws or regulations.

What types of problems can the OCC help to resolve?

The OCC handles over 70,000 consumer complaints and inquiries each year relating to national banks and their operating subsidiaries.

Below are some frequently asked questions and answers:

What should I do if I have identified an error on my credit card account statement?

- Credit card billing errors are covered by the Fair Credit Billing Act, implemented by the Federal Reserve Board's Regulation Z. To protect your rights under the law, you must notify the bank in writing of the error within 60 days of the date the bank mailed the statement that contained the error. The bank will acknowledge your letter in writing within 30 days of receipt, conduct a reasonable investigation and, within 90 days, either correct the error or explain why the bill is correct.



Is my bank permitted to charge me an overdraft fee as well as a fee for each day during the period my checking account is overdrawn?

- Banks are legally authorized to charge fees for returned checks and overdrawn balances. The imposition of fees on your account is governed by the terms of your deposit account agreement which must be disclosed at account opening. Under federal law, the disclosure you receive before you open your account should include the amount of any fee that may be imposed on your account (or an explanation of how it will be determined) and the conditions under which it may be charged.



Is the bank allowed to change the interest rate on my credit card account to a higher rate?

- Federal law does not prohibit a bank from reserving the right to change the terms of your credit card in its contract with you and to raise the interest rate. However, the Truth in Lending Act and the Federal Reserve Board's Regulation Z require the bank to notify you when it increases the interest rate on your credit card.

Are there limits on how much a bank may charge for its services?

- Federal banking laws and regulations do not set a cap on non-interest service charges or fees that national banks can impose.

Can the bank charge me a late fee even when I mailed my payment before the due date?

- The Truth in Lending Act and the Federal Reserve Board's Regulation Z require prompt crediting of conforming payments (payments mailed to the specified address) to credit card accounts. Normally, a bank must credit your account on the day the payment is received, except when a delay does not result in a finance charge or other fee. If a bank accepts a non-conforming payment (i.e., you made a payment at a branch office or online), the bank may take up to five days to credit the payment.

Can a bank refuse to cash my check drawn on one of its accounts?

- There are no federal laws or regulations that require banks to cash checks (even those drawn on the bank) for individuals who are not bank customers. Many banks have a policy to cash checks only for persons who maintain accounts with the bank. This is done to protect both the bank and the public from the risk and expense of forgeries. If the bank cashes a forged check, the bank may have to assume the loss if it cannot locate the individual who presented the check. Some banks that cash checks for non-customers have a policy of charging a fee. Federal laws and regulations do not limit the amount of that fee.

May a national bank request my fingerprint to cash a check?

- Fingerprinting is used as a security measure and a way to combat fraud. There are no federal banking laws or regulations that prohibit banks from requesting customers to provide a fingerprint to cash checks or obtain other banking services, such as getting credit card cash advances.

I made a deposit consisting of several checks and my bank tells me that I have to wait two days before the funds are available for withdrawal. Can the bank do this?

- Under the Federal Reserve Board's Regulation CC, the bank can require you to wait two days or longer before funds are available, depending on the type of check you deposited and the circumstances surrounding your account.

This is covered under the bank's funds availability policy which must be disclosed at account opening.

Generally, the first \$100 of a day's check deposits must be made available the following business day. Checks drawn on the U.S. treasury and made out to the depositor must also be made available the first business day following the date of deposit. Funds for local checks must be made available within two business days, and funds for non-local checks within five business days following deposit.

Exceptions to this schedule are:

- Checks deposited to new accounts established less than 30 calendar days,

- Large deposits (more than \$5,000 in checks deposited on any one banking day),
- Redeposited checks which were initially returned unpaid,
- Deposits made by check to accounts that are repeatedly overdrawn,
- Deposits of checks the bank doubts that it can collect, and
- Deposits made under certain emergency conditions, such as interruption of communications or computer failures.

What other federal agencies investigate consumer complaints?

Federal Trade Commission (FTC)

Complaints involving information found on a credit report are covered by the Fair Credit Reporting Act. You can contact the consumer reporting agency that originally provided the information to the bank, requesting your own copy of the credit report. Try to resolve the dispute with that reporting agency. If unsuccessful, you can also contact the FTC, the agency that handles these complaints, and others involving nonbank affiliated companies.

FTC

Consumer Response Center -240

600 Pennsylvania Ave., NW

Washington, D.C. 20580

877-382-4357

<http://www.ftc.gov>

Office of Thrift Supervision (OTS)

If your problem concerns a federal savings and loan or a federal savings bank, contact the OTS.

OTS

Consumer Program Division

1700 G Street, NW

Washington, DC 20552

1-800-842-6929

consumer.complaint@ots.treas.gov

Federal Reserve Board (FRB)

If your problem concerns a state-chartered bank that is a member of the Federal Reserve System, contact the FRB.

Board of Governors of the Federal Reserve System

Division of Consumer and Community Affairs

20th and C Streets, NW, Stop 801

Washington, D.C. 20551

202-452-3693

<http://www.federalreserve.gov>

Federal Deposit Insurance Corporation (FDIC)

If your problem concerns a state-chartered bank that is not a member of the Federal Reserve System, contact the FDIC.

FDIC

Consumer Response Center

2345 Grand Boulevard, Suite 100

Kansas City, MO 64108

877-275-3342

<http://www.fdic.gov>

National Credit Union Administration (NCUA)

If your problem concerns a credit union, contact the NCUA.

NCUA

1775 Duke Street

Alexandria, VA 22314-3428

703-518-6300

<http://www.ncua.gov>

Department of Housing and Urban Development (HUD)

Complaints involving mortgage lending discrimination are covered by the Fair Housing Act. HUD is the agency that handles these complaints. HUD can investigate your complaint if it is based on one of the following matters: race, color, religion, sex, handicap, familial status, or national origin.

Office of Fair Housing and Equal Opportunity
Department of Housing
and Urban Development
451 7th Street, SW, Room 5204
Washington, DC 20410
1-800-669-9777
<http://www.hud.gov>

Federal Financial Institutions Examination Council (FFIEC)

If you want to find information about a financial institution that has merged with or been acquired by another institution, or has been closed, you can contact the FFIEC.

FFIEC
2100 Pennsylvania Ave., NW, Suite 200
Washington, D.C. 20037
202-634-6526
<http://www.ffiec.gov/nic>

THE OFFICE OF THE
COMPTROLLER OF THE CURRENCY



OFFICE OF THE OMBUDSMAN
Customer Assistance Group

1-800-613-6743

1301 McKinney Street, Suite 3450
Houston, Texas 77010-9050

www.occ.treas.gov

This brochure is intended to provide the public
with basic information about the OCC and
its assistance for customers of national banks.

Produced by:

OFFICE OF THE COMPTROLLER OF THE CURRENCY (OCC)

250 E Street S.W.

Washington DC 20219

Phone 202-874-5000

Fax 202-874-5263

April 2005