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Appendix A: How To File a Customer Complaint about a National Bank or a Subsidiary of a National Bank

1. Always try first to resolve your issue directly with your bank.

Because you and your bank are most familiar with your account, the OCC’s CAG encourages you to address the issue directly with your bank. Complaints caused by bank errors or misunderstandings may often be resolved voluntarily by your bank or its subsidiary. Many questions can be answered by receiving the frequently asked questions on www.HelpWithMyBank.gov. If you are unable to resolve the issue with your national bank or find the answer online, the Customer Assistance Group stands ready to help and will guide you through the OCC’s complaint process. Our customer assistance specialists are knowledgeable, highly skilled, and customer-focused. They will answer your questions, direct you to the best resources, and get to the bottom of your issue.

You may contact the CAG in several ways, depending on whether you have a general, informal inquiry or you wish to file a formal, written complaint. (An inquiry is a question or comment about a national bank or federal banking laws and regulations. A complaint is a written and signed expression of dissatisfaction about the practices of a national bank.)

Reaching the OCC’s Customer Assistance Group

Informal inquiry

Toll-free telephone: 1 (800) 613-6743 M-F, 7:00 a.m.–7:00 p.m. Central Time	E-mail: Customer. assistance@occ. treas.gov
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Formal complaint

Fax: (713) 336-4301	U.S. mail: 1301 McKinney St. Suite 3450 Houston, TX 77010
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2. Call or e-mail CAG with your general inquiries.

A customer assistance specialist can often answer your general, informal inquiries about banking laws or practices by phone or by e-mail. Because e-mail may not be completely secure, please do not include information in your e-mail that is confidential—such as bank account, credit card, or social security numbers.

The specialist may suggest other ways for you to resolve the problem directly with your bank or its subsidiary. If the case involves disputes that are outside of the CAG's jurisdiction, the specialist may suggest that you consult an attorney for assistance. If a complaint involves a bank or other institution not regulated by the OCC, the CAG will refer you to the appropriate agency.

3. File a written, formal complaint against a national bank.

If you wish to file a formal complaint against a national bank, the focus of the CAG review is to determine whether the bank's actions are consistent with banking statutes, regulations, or any policies applicable to nationally chartered banking institutions.

Your complaint must be in writing and submitted by U.S. mail or fax. Appendix B is a copy of the OCC Customer Complaint Form. (You may also obtain a copy by calling the toll-free number or by accessing the Internet at www.occ.gov and clicking on "Consumer Complaints and Assistance" on the left side of the home page. This form is also available on the new Web site, www.HelpWithMyBank.gov, under "Need More Help?" on the right side of that home page.) The CAG documents all inquiries and complaints, but can launch a formal investigation only on a complaint submitted in writing and signed by the account holder.

If you do not use the complaint form, your written complaint should contain the following:

1. The full name and address of the national bank or its subsidiary.

2. The consumer's complete name and the consumer's mailing address used by the bank.
3. The consumer's daytime telephone number.
4. The account number of the product in question.
5. A detailed explanation of the complaint or inquiry and a description of how the consumer would like the matter to be resolved.
6. The signature of the account holder, legal guardian, person holding power of attorney, or other person authorized to act for the account holder. If the consumer writing the complaint is not the account holder, you must include documentation indicating your authority, and you must include your contact information.
7. Any documentation supporting the consumer's position.

Once the CAG receives your complete written complaint by U.S. mail or fax, you will be sent an acknowledgment letter showing your assigned case number, and the complaint will be forwarded to the bank for a response. The CAG will send you a final response to your complaint only after reviewing the written reply from the national bank or subsidiary. In reviewing the bank's response, the CAG specialist does not act as an advocate per se, but will evaluate whether your national bank or its subsidiary has taken any action contrary to banking laws and regulations or has committed any unacceptable banking practice. In addition, we look to see if the bank customer was treated fairly. Be assured, a CAG specialist will be there to guide you through the process, from your initial contact with the CAG to the final resolution of your case.

Appendix B: Customer Complaint Form

OMB Control No. 1557-0232
Expiration Date: 12/31/2008



Comptroller of the Currency Administrator of National Banks

CUSTOMER COMPLAINT FORM

Please fill in this form completely, including your signature at the end of the form. If a valid OMB Control Number does not appear on this form, you are not required to complete this form. The Office of the Comptroller of the Currency (OCC) will only act on complaints that are signed by the complainant(s), legal guardian, attorney of complainant(s) along with their client's authorization, or holder of power of attorney.

Include copies of documents related to your complaint such as contracts, monthly statements, receipts and correspondence with the bank.

Mail or fax this completed complaint form with any attachments to:

**Office of the Comptroller of the Currency
Customer Assistance Group
1301 McKinney Street, Suite 3450
Houston, TX 77010-9050
1-713-336-4301 (Fax)**

In filling out this form, print or type clearly so the information can be easily read and understood.

Customer Information:

Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/>				
Name:				
	First	Middle	Last	
Address:				
	Street	City	State	Zip
Daytime Phone:	()	Fax:	()	
Email:				

Appendix B: Customer Complaint Form *(continued)*

CUSTOMER COMPLAINT FORM (Page 2)

Bank Information (National Bank or its operating subsidiary you are filing a complaint against)

Name of Bank:				
Address:				
	Street	City	State	Zip
Type of Account:		Account #:		
Have you tried to resolve your complaint with the bank?			<input type="radio"/> Yes	<input type="radio"/> No
If Yes, when?		How?	<input type="radio"/> Phone	<input type="radio"/> Mail
			<input type="radio"/> In Person	<input type="radio"/> Other

If you have an attorney or other representative you want us to deal with directly, please provide your representative's information below. Your signature on this form authorizes your bank and our office to release information to your representative.

Name of Representative:				
Title:				
Address:				
	Street	City	State	Zip
Daytime Phone:	()	Fax:	()	

Please print or type your complaint. Describe events in the order in which they occurred, including any names, phone numbers, and a full description of the problem with the amount(s) and date(s) of any transaction(s). You should also include any response from the bank. Be as brief and complete as possible to make the explanation clear. Use separate sheet(s) of 8.5" x 11" paper if you need more space.

Appendix B: Customer Complaint Form *(continued)*

CUSTOMER COMPLAINT FORM (Page 3)

State your desired resolution:

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PRIVACY ACT STATEMENT

The solicitation and collection of this information is authorized by 15 U.S.C. § 57a(f) and 12 U.S.C. 1 et seq. The information is solicited to provide the Office of the Comptroller of the Currency (OCC) with data that is necessary and useful in reviewing requests received from individuals for assistance in their interactions with national banks. The provision of requested information is voluntary. However, without such information, the ability to complete a review or to provide requested assistance may be hindered.

It is intended that the information obtained through this solicitation will be used within the OCC and provided to the national bank that is the subject of the complaint or inquiry. Additional disclosures of such information may be made to: (1) other third parties when required or authorized by statute or when necessary in order to obtain additional information relating to the complaint or inquiry; (2) other governmental, self-regulatory, or professional organizations having: (a) jurisdiction over the subject matter of the complaint or inquiry; (b) jurisdiction over the entity that is the subject of the complaint or inquiry; or (c) whenever such information is relevant to a known or suspected violation of law or licensing standard for which another organization has jurisdiction; (3) the Department of Justice, a court, an adjudicative body, a party in litigation, or a witness when relevant and necessary to a legal or administrative proceeding; (4) a Congressional office when the information is relevant to an inquiry initiated on behalf of its provider; (5) Other governmental or tribal organizations with which an individual has communicated regarding a complaint or inquiry about an OCC-regulated entity; (6) OCC contractors or agents when access to such information is necessary; and (7) other third parties when required or authorized by statute.

I certify that the information provided on, or with, this form is true and correct to the best of my knowledge.

Signature:		Date:	
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We will mail you a written acknowledgment within five (5) business days of receipt of your completed complaint form. If you have any questions regarding this case, please call 1-800-613-6743.

Appendix C: How To File an Appeal

Any national bank may file a formal or informal appeal of an OCC action or decision with its OCC supervisory office or with the Ombudsman. If you file an appeal, formal or informal, with your supervisory office and disagree with its decision, you may appeal that decision to the Ombudsman.

Initiating an informal appeal is as simple as making a telephone call. Be sure to have at hand all of the relevant facts surrounding the matter.

For formal appeals, submit information in writing fully describing the issues in dispute. The appeal must have the approval of the bank's board of directors. A written response to your appeal will usually be issued within 45 calendar days of its acceptance, unless special circumstances exist.

The Ombudsman has authority, with consent of the Comptroller, to stay any appealable agency decision or action while he considers the facts of the appeal. For information on what is appealable and what is not, see Appendix D, "Frequently Asked Questions about the National Bank Appeals Process."

For more information about the national bank appeals process, or to discuss an agency action or decision, please contact the Ombudsman at:

OFFICE OF THE OMBUDSMAN
1301 McKinney Street, Suite 3400
Houston, TX 77010-3034
Telephone: (713) 336-4350
Fax: (713) 336-4351

Appendix D: Frequently Asked Questions about the National Bank Appeals Process

Below are some frequently asked questions regarding OCC Bulletin 2002-9, “National Bank Appeals Process—Guidance for Bankers.” The full text of the bulletin can be found on the Web at www.occ.gov/ftp/bulletin/2002-9.pdf.

Where can I find the OCC’s policy guidance on the National Bank Appeals Process?

OCC Bulletin 2002-9, “National Bank Appeals Process: Guidance for Bankers” (February 25, 2002), contains the OCC’s procedures for national banks to appeal agency decisions and actions. It defines the types of decisions that can be appealed to the Ombudsman or the bank’s immediate OCC supervisory office.

What are the major provisions of OCC Bulletin 2002-9?

Major appealable and non-appealable matters. Bulletin 2002-9 clarifies the types of decisions that can be appealed to the Ombudsman or the bank’s immediate supervisory office. Banks can appeal decisions such as informal enforcement actions, examination ratings, the adequacy of loan loss reserves, and classifications of significant loans.

According to the bulletin, banks cannot ask the Ombudsman to review agency decisions when statute or OCC regulation offers another method of appeal, or when the decision is subject to judicial review. Banks cannot appeal agency decisions to pursue formal enforcement action, recommended decisions following formal or informal adjudications pursuant to the Administrative Procedures Act, 5 USC 701 et seq., agency actions that are subject to judicial review, and decisions made to disapprove directors and senior executive officers pursuant to Section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 USC 1831i.

Formal enforcement-related action or decision defined. In clarifying non-appealable “formal enforcement-related actions or decisions,” the bulletin includes as non-appealable the OCC’s statement of the facts that underlie recommended or pending formal enforcement actions, the OCC’s description of a bank’s acts or practices that are the subject of these actions, and the OCC’s determinations regarding a bank’s compliance with an existing formal enforcement action.

When is a formal enforcement-related action or decision considered to have commenced?

A formal enforcement-related action or decision commences when the OCC’s Supervision Review Committee determines that the OCC will pursue a formal action under applicable statutes, regulations, or published OCC enforcement-related policies.

Is anything appealable once a formal enforcement action has taken place?

Yes. Bulletin 2002-9 does permit material supervisory determinations to be appealed even after an enforcement action has been taken. For example, a bank that is being placed under formal enforcement action can appeal its CAMELSI¹ ratings (composite or individual components), loan classifications, or conclusions rendered on the adequacy of its allowance for loan and lease losses. In such cases, the Ombudsman would restrict his review to the factual record, primarily to the facts detailed in the Report of Examination. His decision would rest on whether the Uniform Financial Institution Rating System criteria or other relevant policies have been applied correctly and consistently by the supervisory office. Essentially, the Ombudsman would use a process similar to that of a federal appellate court judge rather than the de-novo review process that is customarily employed on non-enforcement-related appellate matters.

¹ “CAMELSI” stands for capital, asset quality, management, earnings, liquidity, sensitivity to market risk, and information technology. Using Uniform Financial institutions Rating System criteria, OCC examiners give a bank individual ratings for each of these areas and a composite rating for these areas collectively.

Can you tell me all of the types of OCC decisions that are not appealable?

In accordance with 12 USC 4806, Bulletin 2002-9 provides that the following agency actions or decisions are not appealable to the Ombudsman or the bank's immediate supervisory office:

1. Appointments of receivers and conservators;
2. Preliminary examination conclusions communicated to the national bank before a final report of examination or other written communication from the OCC is issued;
3. Any formal enforcement-related actions or decisions, including decisions to:
 - (a) seek the issuance of a formal agreement or cease and desist order, or the assessment of a civil money penalty pursuant to Section 8 of the Federal Deposit Insurance Act (FDIA);
 - (b) take prompt corrective action pursuant to Section 38 of the 12 USC 1831o);
 - (c) issue a safety and soundness order pursuant to Section 39 of the FDIA (12 USC 1831p-1); and
 - (d) commence formal investigations pursuant to 12 USC 481, 1818(n) and 1820(c);
4. Formal and informal rulemakings pursuant to the Administrative Procedure Act (APA), 5 USC 500 et seq.;
5. Decisions or recommended decisions following formal and informal adjudications conducted pursuant to the APA, 5 USC 701 et seq.;
6. Requests for agency records or information under, and submission of information to the OCC that is governed by, the Freedom of Information Act, 5 USC 552, or 12 CFR 4;

7. Decisions made to disapprove directors and senior executive officers pursuant to Section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 USC 1831i); and
8. Any other agency decisions that are subject to judicial review.

Does the bank's board of directors have to approve the appeal?

Yes. The board must approve the appeal and the bank's President or Chief Executive Officer must confirm in the submission to the OCC that the board has done so.

If a bank files an appeal, must it still comply with the OCC supervisory action being appealed?

As a general matter, material supervisory determinations and actions are not stayed during the pursuit of an appeal. However, upon written request from the bank, the Ombudsman or an appropriate OCC official may relieve the bank of its obligation to comply with the supervisory decision or action while the appeal is pending.

Appendix E: Examination Questionnaire Form

Comptroller of the Currency Examination Questionnaire

This form is being used to help measure the effectiveness of the overall supervision of your institution, including the examination that was just completed. Your input will help us evaluate the OCC's performance and progress in improving the efficiency and effectiveness of our bank supervision efforts. Please complete the attached questionnaire and return it to Samuel Golden, Ombudsman, the administrator of the program. Your response is **entirely voluntary** and will remain **confidential**. If you would like to discuss this questionnaire, please feel free to contact Samuel Golden at (713) 336-4350.

PAPERWORK REDUCTION ACT STATEMENT FOR EXAMINATION QUESTIONNAIRE

No person is required to respond to an information collection unless it displays a currently valid OMB control number. This information collection is approved under Office of Management and Budget (OMB) Control Number 1557-0199. This information collection is voluntary. This information collection is needed to permit a national bank to provide feedback, directly to the Office of the Ombudsman, Office of the Comptroller of the Currency (OCC Ombudsman), on the content and conduct of OCC bank examinations. The OCC Ombudsman will use the information received to evaluate the effectiveness of the examination process and agency communications. The OCC Ombudsman promotes OCC/banker communications and resolves problems and conflicts.

The OCC expects to collect this information from approximately 2,600 national banks. Each respondent is estimated to file 1.5 responses per year. The burden per response is expected to average approximately 10 minutes. The time for completing the questionnaire will vary. A response may take a very short time if bank management has no descriptive comments, and could take 30 minutes or more in those instances where bank management has substantial descriptive comments. The burden for this collection is estimated at 650 burden hours per year.

Appendix E: Examination Questionnaire Form (continued)

OMB Control #1557-0199
Exp: 08-31-2004

Comptroller of the Currency Examination Questionnaire

Large Banks

To be filled out by the Assigned Examiner:

Type of Supervisory Activity:

- Commercial Consumer Compliance CRA Fair Lending Information Technology (IT)
 Fiduciary Other (specify) _____

Date of Supervisory Activities: _____

To be filled out by bank management:

Name and Position: _____

Bank Name: _____

Telephone Number: _____

Regarding the examination just completed:

	Completely Agree	2	Somewhat Agree	4	Completely Disagree
	1	2	3	4	5
1. The examination scope was appropriate to accurately assess the bank's/company's condition.	1	2	3	4	5
2. The examiners' requests for information before and during the activities were reasonable and justified by the examination scope.	1	2	3	4	5
3. The examination team conducted their activities in a professional manner.	1	2	3	4	5
4. The examination placed appropriate reliance on the internal audit function and internal risk management functions in the institution to support effective supervision.	1	2	3	4	5
5. The examiner-in-charge and examination team were knowledgeable.	1	2	3	4	5
6. The examiner-in-charge and examination team provided useful feedback, observations and suggestions.	1	2	3	4	5
7. The examiner-in-charge and examination team presented well-supported, relevant conclusions regarding the condition of the bank.	1	2	3	4	5
8. The recommendations for corrective actions made by the examiner-in-charge and the examination team were reasonable.	1	2	3	4	5
9. During exit and board meetings, the examiner-in-charge and examination team clearly and effectively communicated their findings and concerns.	1	2	3	4	5

Appendix E: Examination Questionnaire Form (continued)

OMB Control #1557-0199
Exp: 08-31-2004

	Completely Agree		Somewhat Agree		Completely Disagree
	1	2	3	4	5
10. The tone and the content of the report of examination were consistent with the exit and board meetings.	1	2	3	4	5
11. The report of examination clearly communicated examination findings, significant issues and the corrective actions (including timeframes) management and/or the board needed to take.	1	2	3	4	5
12. On-going communication by the examiner-in-charge with senior management and the board of directors was appropriate.	1	2	3	4	5
13. Examiners minimized the burden to the degree possible on the bank, its officers and employees when conducting the examination.	1	2	3	4	5
14. The supervisory objectives and strategy incorporated appropriate perspective and provided necessary focus on business risks, assessment of their significance, and resulted in appropriate development of the examination strategy, emphasis on key risk areas and resulting areas of focus in the examination.	1	2	3	4	5
15. The examination report was delivered in a timely manner, so examination results and corrective actions required by bank management were influenced in a timely and appropriate manner.	1	2	3	4	5

Regarding the OCC's overall supervision of your institution:

16. During the past year or 18 months (ie., the examination cycle), OCC _____ has/have been responsive to the bank's needs:					
a) field staff;	1	2	3	4	5
b) corporate staff (e.g., for corporate applications);	1	2	3	4	5
c) attorneys (e.g., for legal opinions);	1	2	3	4	5
d) accountants (e.g., for accounting opinions);	1	2	3	4	5
e) other _____	1	2	3	4	5
(Please do not respond to b, c, d, or e if you have not dealt with OCC's corporate staff, attorneys, accountants, etc.)					
17. The OCC identifies potential problems before they can cause significant harm to the bank.	1	2	3	4	5
18. The OCC's supervisory efforts focus on banking activities that pose the highest risk	1	2	3	4	5
19. OCC regulations:					
a) effectively target the areas of bank activity that present the greatest risk to safety and soundness, the payments system, or the long-term viability of the national banking system;	1	2	3	4	5
b) promote national banks' competitiveness and allow industry innovation;	1	2	3	4	5

Appendix E: Examination Questionnaire Form *(continued)*

OMB Control #1557-0199
Exp: 08-31-2004

	Completely Agree		Somewhat Agree		Completely Disagree
	1	2	3	4	5
c) eliminate unnecessary regulatory requirements and minimize the burden resulting from requirements necessary for effective supervision.	+-----+	+-----+	+-----+	+-----+	+-----+
20. The OCC works with the bank and follows-up to ensure bank management addresses potential problems and risks.	+-----+	+-----+	+-----+	+-----+	+-----+
21. The OCC allows the bank to offer new products and services if the bank has the expertise to manage the risks effectively and to provide the necessary consumer protections.	+-----+	+-----+	+-----+	+-----+	+-----+
22. The OCC enforces CRA and fair lending laws by focusing on the bank's performance.	+-----+	+-----+	+-----+	+-----+	+-----+

Please use the space below to add any descriptive comments or add additional pages, if needed.

What are the most useful aspects of the OCC's supervision, including the examination just completed?

What are the least useful aspects of the OCC's supervision, including the examination just completed?

Please indicate any areas where you think OCC examiners need greater knowledge to understand your bank's lines of business and their inherent risks.

Please address any areas where you think the OCC's fundamental supervision approach and/or methods of supervision need to change to evolve to keep pace with the industry.

Please return this form to: Samuel Golden, Ombudsman, 1301 McKinney Street, Suite 3725, Houston TX 77010. Phone (713) 336-4350 Fax: (713) 336-4351.