

Avis Hit With Class Action Over Background Checks

By Kevin Penton

Law360, New York (June 9, 2015, 7:18 PM ET) -- Avis Budget Car Rental LLC violates the Fair Credit Reporting Act by using consumer reports to make employment decisions without giving people sufficient notification, a punitive class action filed Tuesday alleges.

The rental agency also violates the FCRA by requiring job applicants to sign a standardized background check application that asks them to waive rights and that includes language that the act's stand-alone disclosure form requirement prohibits, the filing in New Jersey federal court alleges.

The case was filed by Angela Fuller, who claims that she lost out on a rental sales associate job with Avis in 2013 because a background check found that she got a \$40 ticket for drinking a malt beverage as a passenger in a vehicle in North Carolina 28 years earlier, in 1985.

Fuller alleges that the check by Sterling Infosystems Inc. was inaccurate because the ticket was an infraction, not something that is subject to a conviction under North Carolina law. Under the FCRA, adverse information, other than records of conviction of a crime, cannot be reported more than seven years after it occurred, she argued.

The negative scoring of Fuller's application occurred prior to anyone notifying her in writing of that fact and prior to anyone providing her with a copy of the report or any meaningful opportunity to dispute it, her complaint alleges.

"After being asked again to 'think hard and come clean,' [Avis'] district manager told her to think 'way, way, way back ... try 1985,'" her complaint reads.

Fuller did not get a copy of the report before Avis opted not to hire her, a FCRA violation, she alleges.

Avis had also required Fuller to sign a background check application form which did not consist "solely of the disclosure that a consumer report may be obtained for employment purposes," but instead unlawfully attempted to obtain future protection for defendants for any unlawful actions, and provided other limitations on consumer protections and other extraneous language, according to her complaint.

Fuller seeks to represent a class of individuals who suffered by Avis' actions and an award of statutory, actual and punitive damages in excess of \$150,000, according to the complaint.

Officials with Avis and Fuller's counsel could not be reached Tuesday for comment.

Angela Fuller is represented by John Soumilas, James A. Francis and Lauren KW Brennan of Francis & Mailman PC.

Counsel information for Avis Budget Car Rental LLC was not immediately available.

The case is Fuller v. Avis Budget Car Rental LLC et al., case number 2:15-cv-03856, in U.S. District Court for the District of New Jersey.

--Editing by Kelly Duncan.