



AMERICAN ARBITRATION ASSOCIATION

In the Matter of the Arbitration between

Case Number: 01-21-0002-5939

Jasmine Fitzgerald

-vs-

Chime Financial, Inc. and The Bancorp Bank

INTERIM AWARD OF ARBITRATOR

I, Sasha Susan Philip, having been designated in accordance with the arbitration agreement entered into by the above-named parties, and having been duly sworn, and oral hearings having been waived in accordance with the Consumer Rules, and having fully reviewed and considered the written documents submitted to me by the parties, each represented by counsel, do hereby, issue the following INTERIM AWARD, as follows:

Claimant alleges that Respondents violated the Electronic Fund Transfer Act (EFTA) by holding the Claimant responsible for unauthorized transactions and by violating the procedural requirements of the EFTA.

Unauthorized Transactions:

In an EFTA claim, the burden is on the financial institution to establish that the disputed electronic fund transfers were in fact authorized. The evidence submitted by the Respondents raises concerns as to the veracity of the Claimant's assertion that her card was in fact lost or stolen. However, Respondents' evidence ultimately amounts to a series of assumptions and conclusions that are insufficient to satisfy its burden of proof.

I therefore find that Respondents have failed to meet its burden of proof, and that Claimant sustained actual damages in the amount of \$2,289.72 as a result of unauthorized transactions on her account. I further award statutory damages in the amount of \$500.00 for Respondents' failure to comply with EFTA.

Procedural Claims:

I find that Respondents complied with the procedural requirements of EFTA by 1) providing a written explanation, 2) not requiring an affidavit, 3) offering the Claimant its investigative documents, and 4) conducting an investigation of the dispute consistent with the requirements of Regulation E. As such, Claimant's procedural claims are denied in their entirety.

Legal Fees:

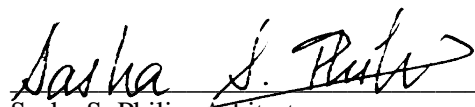
Because I find that the Claimant has prevailed on one of her claims, the hearings shall be reopened, and counsel are directed to provide additional briefing on the issue of legal fees, per the briefing schedule set forth in the July 9, 2021 scheduling order.

The hearings shall be closed upon receipt of Respondents' response brief.

This Interim Award shall remain in full force and effect until the Arbitrator renders a Final Award.

October 21, 2021

Date


Sasha S. Philip, Arbitrator