

Illegal Background Checks Cost U.S. Xpress \$2.75 Million



U.S. Xpress, a carrier based out of Chattanooga, TN, is offering to settle a class action lawsuit for \$2.75 million. The lawsuit claims that the company violated the Fair Credit and Reporting Act by illegally performing background checks on job applicants.

Unfortunately, when a carrier employs over 7,000 drivers, there's bound to be a temptation to cut some corners in the hiring process.

Robert R. Bell Jr., the plaintiff in the class action suit, applied for a job with U.S. Xpress in October of 2009. According to Bell, he had not given either verbal nor written permission for the company to receive a consumer report through HireRight Solutions Inc, the infamous controller of truckers' DAC Reports.

The decision not to hire Bell was made when HireRight reported that he "had been convicted of felony burglary, felony robbery, grand larceny and several parole violations, all leading to a 10-year prison sentence." Unsurprisingly, none of these supposed crimes proved to be true. In fact, Bell had no idea that his DAC report contained this information until he received a letter and a copy of his report from HireRight a week later.

Bell is not the only member of the class action suit, however. In fact, U.S. Xpress estimates that the settlement class may consist of around 72,000 truck drivers who applied for jobs between July 8th, 2009, and Dec. 31st 2011. It is unknown how many of those 72,000 will qualify to receive a part of the settlement.

Since the class action suit is over the decision of U.S. Xpress to run background checks regardless of whether or not an applicant authorized it, U.S. Xpress is the only one paying the cost of the settlement. The fact that HireRight routinely provides companies with information that is blatantly incorrect – depriving drivers of job opportunities every day – is apparently not a large enough issue to cause them to pay even a single cent.

The settlement will not go through until it gets approved by the U.S. District Judge for the Eastern District of Tennessee who is presiding over the case.