

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY
WASHINGTON, D.C.

In the Matter of)	
)	
ADDISHA JACKSON,)	OCC AA-EC-2021-22
Former Customer Service Representative)	
)	
JPMorgan Chase Bank, National Association)	
Columbus, Ohio)	

DECISION ON ENTRY OF DEFAULT

This matter is before the Comptroller of the Currency (“Acting Comptroller” or “OCC”) on the recommended decision of the Administrative Law Judge (“ALJ”) for entry of default and order of prohibition against Addisha Jackson (“Respondent”), a former Customer Service Representative at JPMorgan Chase Bank, National Association, Columbus, Ohio (“Bank”). On May 24, 2021, the OCC issued to Respondent a *Notice of Charges for Prohibition* (“*Notice of Charges*” or “*Notice*”), pursuant to Section 8(e) of the Federal Deposit Insurance Act (“FDIA”), 12 U.S.C. § 1818(e).

On May 26, 2021, Respondent received the *Notice* via United Parcel Service (“UPS”). The *Notice* seeks an order prohibiting Respondent from further participating in any manner in the conduct of the affairs of any federally insured depository institution, credit union, agency, or entity referred to in Section 8(e) of the FDIA. 12 U.S.C. § 1818(e). Respondent failed to respond to the *Notice* within the time limits or in the manner prescribed under the Uniform Rules of Practice and Procedure set forth in 12 C.F.R. Part 19, Subpart A. *See* 12 C.F.R. § 19.19. Indeed, Respondent failed to provide any response to the *Notice*. Upon consideration of the pleadings, the ALJ’s *Order of Default and Recommended Decision to Prohibit Further*

Participation (“*Recommended Decision*”), dated July 27, 2021, and the entire record in this case, the Acting Comptroller concludes that: (1) by failing to respond to the *Notice*, Respondent is in default; and (2) the uncontested allegations in the *Notice* support a finding that Respondent should be prohibited from any further participation in the conduct of the affairs of any institution or entity set forth in Section 8(e) of the FDIA. The Acting Comptroller contemporaneously has issued an order of prohibition that is consistent with these conclusions.

I. INITIATION AND COURSE OF PROCEEDINGS

On May 24, 2021, OCC Deputy Comptroller Bethany Dugan issued the *Notice of Charges* to Respondent. The *Notice* is based upon violations¹ that arose from Respondent’s conduct at the Bank during the period from November 2016 to June 2017 and alleges that Respondent violated 18 U.S.C. § 1344,² that such violation caused the Bank to suffer a financial loss, and that the violation involved personal dishonesty. *See* 12 U.S.C. § 1818(e)(1). Specifically, the *Notice* alleges that Respondent conspired with an unnamed person, identified in the *Notice* as “Individual 1,” to buy and sell goods using stolen debit and credit card information which Respondent procured while a Customer Service Representative at the Bank.

¹ The *Notice of Charges* seeks an order of prohibition under 12 U.S.C. § 1818(e) for the violations described therein.

Twelve U.S.C. § 1818(e)(1) authorizes the prohibition of an institution-affiliated party from participating in the conduct of the affairs of any insured depository institution when (1) the party violates a law, regulation, or order; engages or participates in any unsafe or unsound practice in conducting the affairs of the depository institution; or commits or engages in any act, omission, or practice which constitutes a breach of the party’s fiduciary duty; (2) the violation, practice, or breach causes the bank to suffer, or probably suffer, financial loss or other damage; prejudices the interests of depositors; or results in financial gain or other benefit to the party; and (3) the violation, practice, or breach involves personal dishonesty; or demonstrates willful or continuing disregard for the safety or soundness of the insured depository institution.

² Eighteen U.S.C. § 1344 makes it a crime to “knowingly . . . execute[] . . . a scheme . . . to defraud a financial institution[] or . . . obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.”

The *Notice* alleges facts that are sufficient to support the claimed violations of law and the proposed penalties. At all times relevant to the charges set forth in the *Notice*, the Bank was an “insured depository institution”³ as defined in 12 U.S.C. § 1813(c)(2). *Notice of Charges*, ¶ 1. Respondent was an employee of the Bank and was therefore an “institution-affiliated party”⁴ of the Bank, as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity within six years of the date of the *Notice*, *see* 12 U.S.C. § 1818(i)(3). *Id.* at ¶ 2. The Bank is a national banking association within the meaning of 12 U.S.C. § 1813(q)(1)(A) and is chartered and examined by the OCC. *Id.* at ¶ 3. The OCC is the “appropriate Federal banking agency”⁵ as that term is defined in 12 U.S.C. § 1813(q) and is therefore authorized to initiate and maintain a prohibition against Respondent pursuant to 12 U.S.C. § 1818(e). *Id.* at ¶ 4.

The *Notice* alleges that the Respondent was employed by the Bank between November 2016 and June 2017 as a “Specialist I” at the Bank’s Houston, Texas, call center. *Id.* at ¶¶ 6-7. In November 2016, Respondent met and conspired with Individual 1 to steal debit and credit card information from Bank customers. *Id.* at ¶¶ 9-15. Specifically, between approximately February 2017 and May 2017, Respondent wrote down nineteen different Bank customer debit and credit card numbers and expiration dates on a piece of paper, photographed the paper, and then sent the images to Individual 1. *Id.* at ¶¶ 11-12. Shortly after Respondent transferred the information to Individual 1, unauthorized transactions occurred on all nineteen accounts. *Id.* at ¶ 13.

³ An insured depository institution includes “any bank . . . the deposits of which are insured by the [Federal Deposit Insurance] Corporation.” 12 U.S.C. § 1813(c)(2).

⁴ An institution-affiliated party includes “any director, officer, employee . . . of, or agent for, an insured depository institution.” 12 U.S.C. § 1813(u)(1).

⁵ The OCC is the appropriate Federal banking agency with respect to national banking associations, Federal branches or agencies of foreign banks, and Federal savings associations. 12 U.S.C. § 1813(q)(1).

The *Notice* further alleges that Respondent knew that Individual 1 was going to use the stolen account information to place unauthorized orders for food and electronics. *Id.* at ¶ 14. Respondent’s misconduct assisted Individual 1 in placing those unauthorized orders. *Id.* at ¶ 15. Respondent’s misconduct caused the Bank approximately \$12,900 in financial loss. *Id.* at ¶ 16. Following an internal investigation conducted by the Bank, Respondent signed a document admitting to the above-described misconduct. *Id.* at ¶¶ 17-18.

A. Notification Of Respondent’s Obligation To Answer

The *Notice* adequately notified Respondent of her obligation to respond to the case against her. The *Notice* directed her to file an answer within 20 days of the date of service of the *Notice* with the Office of Financial Institution Adjudication, the OCC’s Hearing Clerk, and Enforcement Counsel. *Id.* at pp. 4-5; *see also* 12 C.F.R. § 19.19(a), (b). The *Notice* lists the physical and email addresses for all parties who should receive service of an answer. *Notice of Charges*, at pp. 4-5. The *Notice* also specifically states that a failure to file an answer within the 20-day time period “shall constitute a waiver of the right to appear and contest the allegations contained in [the] Notice.” *Id.*; *see also* 12 C.F.R. § 19.19(c). Respondent was required to file her answer to the *Notice* by June 15, 2021, which she failed to do. *Id.*

B. Receipt of Service of *Notice of Charges* and Proof of Service of Process

The record reflects that OCC Enforcement Counsel served a copy of the *Notice*, dated May 24, 2021, on Respondent on May 26, 2021 via UPS overnight mail-carrier delivery. *Motion for Entry of Order of Default and Report on Service of Process*, at 1. Respondent received

service of the *Notice*; she was served at Brazoria County Jail, where she had been incarcerated since May 10, 2021. *Id.* at 2.

C. Entry of Default and ALJ Recommendation

Following Respondent's failure to file a timely answer to the *Notice*, Enforcement Counsel filed a *Motion for Entry of Order of Default and Report on Service of Process* on June 30, 2021. Respondent did not respond to that motion. On July 27, 2021, the ALJ entered his Recommended Decision. The ALJ determined that Respondent had failed to file an answer to the *Notice* within the time limits or in the manner prescribed under the Uniform Rules of Practice and Procedure and, therefore, that Respondent was in default. *Recommended Decision*, at 1-2. Accordingly, the ALJ recommended that Comptroller of the Currency issue an order prohibiting Respondent from further participation in the banking industry. Respondent did not file exceptions or otherwise respond to the *Recommended Decision*, and the record was submitted to the Acting Comptroller for a final Decision.

II. DECISION

The Acting Comptroller affirms the ALJ's finding that Respondent is in default based upon Respondent's failure to submit a timely answer to the *Notice of Charges*. The record of this case supports this conclusion. The record reflects that the *Notice* was served on Respondent on May 26, 2021. The *Notice* informed Respondent that she was required to file an answer within 20 days of being served the *Notice*, or by June 15, 2021. Respondent was also warned that failing to file a timely answer could result in a default judgment. Respondent received the *Notice*, did not submit a timely response, and has not shown good cause for her failure to do so.

The Uniform Rules of Practice and Procedure state that it is appropriate to deliver papers to a party via "a reliable . . . overnight delivery service." 12 C.F.R. § 19.11(b)(2). If properly

served, the “[f]ailure of a respondent to file an answer required by this section within the time provided constitutes a waiver of his or her right to appear and contest the allegations in the notice.” *Id.* at § 19.19(c)(1). Further, if a party fails to show “good cause” for her failure to file a timely answer, the ALJ “shall file with the Comptroller a recommended decision containing the findings and the relief sought in the notice.” *Id.* After issuance of a recommended decision, a party has 30 days to file “exceptions” to that decision, and failure to do so waives any “objection thereto.” *See id.* at § 19.39. Finally, “[a]ny final order issued by the Comptroller based upon a respondent’s failure to answer is deemed to be an order issued upon consent.” *See id.* at § 19.19(c)(1).

Based on the record of this proceeding, the Acting Comptroller finds no basis to question the conclusion that Respondent had actual notice of the proceeding or her obligation to respond. The Acting Comptroller agrees with the ALJ’s findings: (1) that Respondent was properly served with the *Notice* in accordance with 12 C.F.R. § 19.11(b)(2); (2) that she failed to file an answer within the time limits or in the manner prescribed under the Uniform Rules of Practice and Procedure; and (3) that she is in default. *See id.* Further, Respondent did not file any exception challenging the ALJ’s *Recommended Decision*, and any objection thereto is waived. *See id.* at § 19.39(b)(1). Respondent therefore waived her right to contest the allegations in the *Notice of Charges*.

The Acting Comptroller also concludes that the uncontested facts as alleged in the *Notice of Charges* and the record herein support the conclusion that Respondent engaged in a violation of law, including but not limited to 18 U.S.C. § 1344, and that such violation caused the Bank to suffer a financial loss, and that the violation by Respondent involved personal dishonesty. *See* 12 U.S.C. § 1818(e)(1). Finally, the Acting Comptroller concludes that the facts as alleged in the

Notice of Charges and the record herein support entry of the requested order that Respondent be prohibited from any further participation in the conduct of the affairs of any institution or entity enumerated in Section 8(e)(7)(A) of the FDIA.

III. CONCLUSION

The Administrative Law Judge's recommended finding that Respondent be found in default based upon her failure to file an answer is affirmed. Upon consideration of the entire record in this proceeding, the Acting Comptroller finds: (1) that Respondent is in default and has waived her right to contest the findings in the *Notice of Charges*; and (2) that Respondent should be prohibited from any further participation in the conduct of the affairs of any institution or entity set forth in Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). The Acting Comptroller shall issue an Order of Prohibition contemporaneously with this final Decision.

Date: September 14, 2021

/s/
MICHAEL J. HSU
ACTING COMPTROLLER OF THE CURRENCY