Cooley

Student Loan Servicing Risks Top CFPB Concerns for Servicemembers, Veterans

October 3, 2024

On September 24, 2024, the Consumer Financial Protection Bureau (CFPB) Office of Servicemember Affairs released its 2023 annual report highlighting complaint trends submitted by active-duty servicemembers, veterans and military families. While the report identifies and analyzes complaint trends among servicemembers, the CFPB utilized the report to continue its emphasis on concerns about the student loan servicing space – specifically with respect to call center access and transcript withholding practices.

Student loan servicing and higher education issues heightened for servicemembers due to unique job demands

The report analyzed unique issues concerning student loan servicing and higher education institutions withholding transcripts as particularly challenging for the military community.

In July 2024, the <u>CFPB described</u> how excessive wait times at student loan servicers could constitute an unfair or abusive practice. Picking up this theme, the CFPB's servicemember report found issues for servicemembers and their families regarding attempts to contact their student loan servicers – including reports of long hold times, frequent disconnections and not receiving callbacks. These issues were heightened when servicemembers were stationed overseas in different time zones, and also impacted those who work in secure areas without access to their personal phone. In addition, servicemember complaints suggested that online servicer self-help tools did not provide the assistance sought. For example, servicemembers complained that they could not update information related to their income-driven repayment plans (IDRs), which provide eligible servicemembers the opportunity to reduce their monthly payments based on their income and family size.

The CFPB's report also raised an issue with the practice of institutions withholding transcripts —an issue the CFPB has criticized for more than two years and determined to be potentially abusive. The report states that transcript withholding can impact a servicemember's ability to receive a promotion, participate in certain programs or pursue additional educational opportunities. For servicemembers in the process of transitioning off of active duty, not being able to provide a copy of an official transcript may impact their ability to find a new job in the civilian sector.

Looking ahead

To address the issues raised in the report, the CFPB recommends that student loan servicers and educational institutions:

- Consider ways to streamline and automatically apply payment options and forgiveness programs for eligible servicemembers and veterans.
- Ensure online tools are reliably accessible and can meet servicemembers' unique needs.
- Offer additional protections to ensure that transcript withholding does not negatively impact military families.

Although issues about student loan servicing made up just a fraction of servicemember complaints submitted to the CFPB, the

CFPB's focus on student loan servicer practices in the report suggests that it will continue scrutinizing the practices not only of stand-alone servicers, but also the servicing practices of institutional servicing operations.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (Al) in accordance with our Al Principles, may be considered Attorney Advertising and is subject to our legal notices.

Key Contacts

Christine Thebaud Washington, DC

cthebaud@cooley.com +1 202 776 2095

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.