



# FROM COUNSEL

A Preventive Law Service of the Fort Riley Legal Assistance Office  
*Keeping You Informed On Personal Legal Affairs*

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## IDENTITY THEFT

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### Q: WHAT IS IDENTITY THEFT?

A. Under federal law, identity theft occurs when someone uses or attempts to use the sensitive personal information of another person to commit fraud. A wide range of sensitive personal information can be used to commit identity theft, including a person's name, address, date of birth, Social Security number (SSN), driver's license number, credit card and bank account numbers, phone numbers, passwords and even biometric data like fingerprints and iris scans. The stolen information is then used to drain a bank account, obtain credit, file for a tax refund or obtain medical treatment and prescription medications.

### Q: WHAT SHOULD I DO IF I FEEL I AM A VICTIM OF IDENTITY THEFT?

A. If you feel you are an identity theft victim, then you should immediately report it at [ftc.gov](http://ftc.gov). The Federal Trade Commission (ftc) has an action link to report Identity Theft. The [Identitytheft.gov](http://Identitytheft.gov) website is the federal government's one-stop resource for identity theft victims, providing protections and steps to take immediately to prevent further harm, regardless if the identity theft involves new or existing accounts (visit [Identitytheft.gov](http://Identitytheft.gov) for expanded information and checklists):

1. Call the companies where you know fraud occurred
  - a. Call the fraud department and explain that someone stole your identity.
  - b. Ask them to close or freeze the accounts so no new charges can be applied against the account without your approval.
  - c. Change logins, passwords, and PINs for your accounts.
2. Place a fraud alert on your credit. This will require a business to verify your credit request with you before issuing new credit using your identity. Contact one of the three credit bureaus and that one must tell the other two credit bureaus.
  - i. [Equifax.com/Credit Report Assistance](http://Equifax.com/CreditReportAssistance) 1-800-685-1111
  - ii. [Experian.com/fraud alert](http://Experian.com/fraudalert) 1-888-397-3742
  - iii. [TransUnion.com/fraud](http://TransUnion.com/fraud) 1-888-909-8872
3. Get your free credit report right away. Go to <https://www.annualcreditreport.com> where you can order one free report from each of the three credit reporting agencies annually. You do not have to choose all three at the same time. Review your reports and make note of any information, including an address you never had or accounts or transactions you do not recognize. This will help you report the theft to the Federal Trade Commission (FTC) and the police.
4. Complete the FTC's online complaint form, [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov), and give as many details as you can. The complaint form is not available on mobile devices, but you can also call 1-877-438-4338 to make your report.
  - a. Print and save your FTC Identity Theft Affidavit immediately. Once you leave the page, you will not be able to get your affidavit.

5. File a report with your local police department.
  - a. Go to your local police department with: a copy of your FTC Identity Theft Affidavit, a government-issued ID with a photo, proof of your address (mortgage statement, rental agreement, or utilities bill), any other proof you have of the theft (bills, IRS notices, etc.), and the FTC's Memo to Law Enforcement (this template is found on the [identitytheft.gov](http://identitytheft.gov) site).
  - b. Tell the police someone stole your identity and you need to file a report. If they are reluctant, show them the FTC's Memo to Law Enforcement.
  - c. Obtain the name of the law enforcement agent with whom you made the report and ask how soon you may request to be provided a written copy of the police report.
  - d. Create your Identity Theft Report by combining your FTC Identity Theft Affidavit with your police report copy.

**Q: HOW DO I REPAIR THE DAMAGE DONE BY THE IDENTITY THEFT?**

A: A key to repairing the damage done begins with creating your Identity Theft Report, which was described in the process above. Your identity theft report proves to businesses that someone stole your identity and it also guarantees you certain rights. Follow these steps to begin repairing the damage done:

1. Close your existing accounts that were subject to fraud and close new accounts fraudulently opened in your name.
  - a. Now that you have an Identity Theft Report, call the fraud department of each business where an account was opened.
    - i. Explain that someone stole your identity.
    - ii. Ask the business to close the account.
    - iii. Ask the business to send you a letter confirming that: the fraudulent account is not yours, you are not liable for it, and it was removed from your credit report.
    - iv. Keep this letter and use it if the account appears on your credit report later on.
  - b. Document who you contacted and when.
2. Remove bogus charges from your accounts.
  - a. Call the fraud department of each business.
    - i. Explain that someone stole your identity.
    - ii. Tell them which charges are fraudulent and ask them to remove them.
    - iii. If it is your bank, ask them to provide you with a new account number and debit card.
    - iv. Ask the business to send you a letter confirming they removed the fraudulent charges.
    - v. Keep the letter and use it if this account appears on your credit report later on or becomes a third party debt buyer's collection account against you.
  - b. Keep a log, documenting who you contacted and when.
3. Correct your credit report.
  - a. If someone steals your identity, you have the right to remove fraudulent information from your credit report. This is called blocking. Once the information is blocked, it will not show up on your credit report, and companies cannot try to collect the debt from you. If you have an Identity Theft Report, credit bureaus must honor your request to block this information.
    - i. Write to each of the three credit bureaus.

1. Equifax, P.O. Box 740256, Atlanta, GA 30374
2. Experian, P.O. Box 9554, Allen, TX 75013
3. TransUnion, Fraud Victim Assistance Department, P.O. Box 2000, Chester, PA 19016

ii. Include a copy of your Identity Theft Report and proof of your identity, like your name, address, and Social Security number.

iii. Explain which information on your report came from identity theft.

iv. If you do not have an Identity Theft Report, you still can dispute incorrect information in your credit file. It can take longer, and there is no guarantee that the credit bureaus will remove the information.

v. In addition to contacting the credit reporting agencies, submit a dispute letter to the furnisher of the fraudulent information. Companies reporting to the credit bureaus have to provide their address. Use the one on the report. Sample form letters are available at <https://www.consumerfinance.gov>

**Q: WHAT IF SOMEONE STOLE MY IDENTITY AND FILED A FALSE TAX RETURN?**

A: To resolve tax related identity theft you need to follow these steps:

1. Immediately call the IRS.
2. Complete IRS Form 14039, Identity Theft Affidavit. (Do NOT submit multiple forms). Mail or fax the form according to the instructions. Include proof of your identity, like a copy of your Social Security card, driver's license or passport.
3. File your tax return, and pay any taxes you owe. You may have to file paper tax returns.
4. Write down whom you contacted and when. Keep copies of any letters you send.
5. Do not assume the matter is corrected until you receive verification by mail that your case has been resolved.
6. If these steps do not resolve your situation, contact the IRS's Identity Protection Unit at 1-800-908-4490. If still needing assistance, contact the Taxpayer Advocate Service at 877-777-4778 or the local Taxpayer Advocate for your State, listed on the irs.gov website.

**Q: WHAT ADDITIONAL STEPS CAN I TAKE TO PREVENT THIS FROM HAPPENING?**

A. Place an active duty alert on your credit report which requires creditors to take reasonable steps to make sure you are the individual opening an account. Active duty alerts last for 12 months and can remove you from pre-screening marketing lists for two years. Obtain a taxpayer IRS Identity Protection PIN.

**Q: IF I HAVE AN ISSUE WITH THIS PROCEDURE OR HAVE FURTHER QUESTIONS?**

A: For Soldiers and family members requiring additional information or assistance on identity theft, please contact the Fort Riley Legal Assistance Office at 785-239-3117.

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