



Mineral



Question of the Week

May 29, 2024

Question

What do we do if we find a discrepancy in a background check?

ANSWER

It depends on the seriousness of the discrepancy, whether the information is pertinent to the job itself, and whether the candidate would be ineligible for the position. You probably don't need to make an issue of a minor variance like a candidate telling you they started a job in the month of April, but their background check saying they began in May. However, a major difference, such as the candidate apparently not having a college degree they claimed to have or a criminal history they didn't disclose, likely warrants further review.

If you see a discrepancy, give the candidate an opportunity to explain. If you're satisfied with their explanation and everything else is fine, you can proceed with the hiring process. If it turns out the candidate isn't qualified for the job, wouldn't be permitted to hold the position, or deliberately lied, you can withdraw the offer of employment.

If you end up withdrawing the offer, you will need to follow the requirements of the Fair Credit Reporting Act (FCRA) and any applicable state or local law regarding background checks. Among other things, the FCRA requires you to provide the candidate with a notice that includes a copy of the background check report you used, as well as a notice titled [A Summary of Your Rights Under the Fair Credit Reporting Act](#). Applicants, candidates, and employees have a legal right to dispute incomplete or inaccurate information.

You can find more information about background checks and the FCRA on the platform.

This Q&A does not constitute legal advice and does not address state or local law.