



UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

Office of Commissioner  
Andrew N. Ferguson

Concurring Statement

Commissioner Melissa Holyoak  
In the Matter of H&R Block  
Matter Number 2023027

January 14, 2025

Today, the Commission votes to approve the issuance of the final Decision and Order in re H&R Block Inc., HRB Digital LLC, and HRB Tax Group, Inc. (collectively, "H&R Block"). The Commission alleges that H&R Block, a tax preparation and filing service, engaged in unfair and deceptive business practices. Counts I and II relate to its customer service contact requirements and data wiping practices.<sup>1</sup> The complaint also alleges that H&R Block misleadingly marketed a free version of its online tax preparation product while knowing that very few consumers were eligible to use the free version.<sup>2</sup>

I continue to have serious reservations about the merits of Count III—the deceptive marketing of H&R Block's free version of its online tax preparation product. I previously voted to submit this Decision and Order for public comment with the hope that the public would weigh in on the merits of Count III or the U.S. Court of Appeals for the Fifth Circuit would provide guidance in a different case involving a very similar claim. Unfortunately, none of the three comments submitted during the public comment period addressed the issue<sup>3</sup> and the U.S. Court of Appeals for the Fifth Circuit has yet to issue its decision.<sup>6</sup>

I concur in today's final Decision and Order notwithstanding my doubts about the merits of Count III because the law and evidence support the remaining counts in the complaint. The Order will impose important protections for consumers relating to Counts I and II in the upcoming tax season, and my reservations about Count

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