

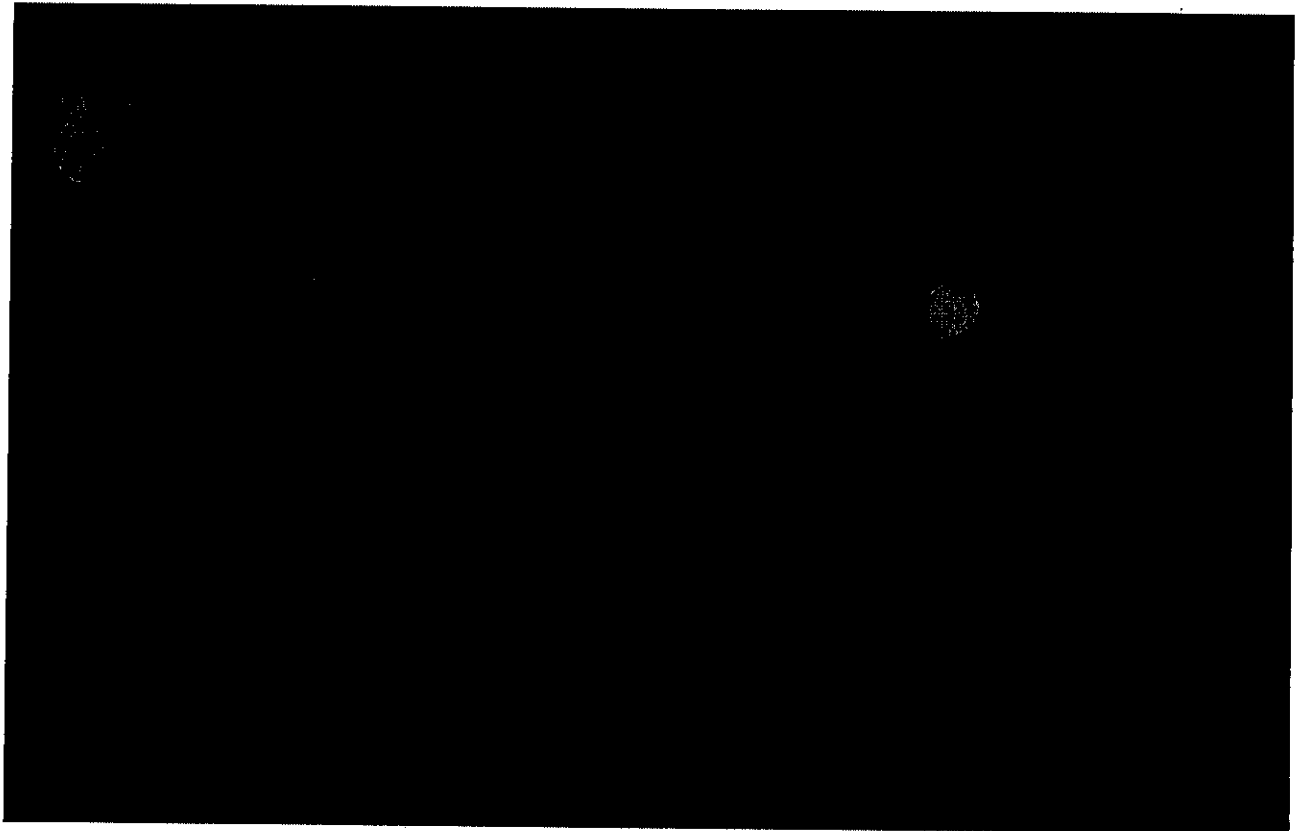
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Uber customer claims abuse and assault by driver. Uber confirms: yes, he drives for us

BY CARMEL DEAMICIS
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A San Francisco man has told PandoDaily that he was verbally abused and physically assaulted by an UberX driver Saturday night, and has shared video and documentary evidence to support his account. [UPDATE: Read Uber's blog post response to the incident [here](#).]

According to the man, James Alva, he called Uber after 1 am Saturday when he was leaving a bar in the city's Castro district. The blue Prius that arrived was different than the vehicle displayed on the Uber app, but the driver knew Alva's name and assured him that he had the correct ride. Alva was also concerned that the driver, who was dressed in a red hoodie and Giants beanie, was dressed more casually than other Uber drivers he'd taken rides from.

When Alva started to give directions to his home, the driver asked for the address. Alva explained that the route he described was the most direct way back, and the driver got angry.

"He said, 'I don't think you fucking heard me. I told you to give me the address,'" Alva told PandoDaily.

At that point, Alva became suspicious that the driver was fake and asked him to verify his name to see if it matched the name on the app. The driver refused, and Alva recounts the conversation proceeding as follows.

"Are you Mexican?" the driver asked.

"Yes, but I'm not sure why that matters," Alva responded.

"You're nothing but a dirty Mexican faggot."

Alva remained silent. "That was the moment I felt like I got in the wrong car," Alva told PandoDaily later. "I just had never had an experience like that with Uber."

He claims the driver repeatedly called him racial and homophobic slurs, and then pulled the Prius over to the side of the road and ordered him out. Before exiting though, Alva did something he now considers stupid.

"My idea was — in hindsight not a good one — that I wanted to snap a photo of his face to send to Uber," Alva says.

The driver allegedly lunged to knock the phone out of Alva's arm, striking him in the arm in the process. Alva grabbed his phone off the floor and stepped out, yelling at the driver not to touch him. He went around to the back of the car and took a picture of the license plate as the driver followed him out. Alva says the driver thrust one arm against Alva's

shoulder and struck the phone out of his hand a second time, causing it to hit the concrete.

Alva grabbed the phone, stepped away, and called 911. The driver stayed close. "He said, 'Go ahead and call the police. I didn't leave any marks on you, and you can't prove anything,'" Alva claims.

Meanwhile, Alva surreptitiously started recording the conversation with his phone. PandoDaily has seen the video, which appears to show verbal aggression on the part of the driver, while an apparently composed Alva tries unsuccessfully to get the driver to admit to the prior physical assault. Attempts to contact the driver were declined by an Uber representative.

When the police arrived, they told Alva his only recourse was a citizen's arrest; signing a piece of paper with the complaint of the driver verbally and physically harassing him. The police explained that the case would then go to the district attorney to decide if a prosecution was justified. Alva made the arrest.

When Alva got home, he posted the incident to his Facebook wall, Uber's Facebook wall, and tweeted it to Uber. He got a call from Matthew Hearns, Uber's senior community manager for San Francisco, the next morning. What followed, according to Alva, was a strange 15-minute discussion.

"He started off the conversation by asking me if I had any questions or concerns that had not been addressed so far," Alva says. Further, he claims the community manager didn't apologize for what happened or ask Alva for more information.

When Alva asked how Uber would be dealing with the issue, Hearn said the company would temporarily suspend the driver, refund Alva's \$14, and comply with any police investigation.

Alva asked Hearn why the license plate of the car that picked him up didn't match the license plate that appeared on his Uber app. Was the driver not an Uber driver? At the time, Hearn was unable to offer an answer. Pando has previously heard several other accounts of people claiming to be Uber drivers, but whose license plates do not match those listed on the Uber app.

Alva asked Uber's community manager about the mechanisms in place to keep one driver from passing their Uber app off to another person. In other words, what's to stop one driver from giving their Uber phone to a friend not vetted by Uber? The company had no response.

It was at that point Alva contacted PandoDaily.

Today, a member of Uber's PR team, Andrew Noyes, responded to PandoDaily's questions about Alva's case. He confirmed that the Uber driver who swore at and allegedly assaulted Alva was an Uber driver. Noyes insisted, however, that the driver was employed not by Uber but by a subcontracting car company. Confused? So were we.

Apparently some UberX drivers come from the startup's "partner" car companies, which subcontract cars and drivers to Uber. The drivers employed by these car companies still go through Uber's background check and vetting process, the company claims.

In this particular instance, Noyes says that the fleet company that employs this driver had recently switched out the car license plates and not updated the system. The driver was correct and had gone through Uber's vetting process, he was just in a different car.

Noyes told PandoDaily, "Hypothetically, if an Uber account holder were to give someone else their app log-in, it would violate our terms, and we would immediately and permanently suspend the account. That is not what occurred here. The driver who showed up is the person it was supposed to be."

That assurance makes the case more worrying: a verified, vetted Uber driver accused of hurling homophobic and racist slurs before assaulting a passenger. It also highlights a company whose response to those claims is a \$14 refund and no apology.

Alva's case was, in the end, a minor one. No one was seriously injured, aside from some scratches on Alva's brand new gold iPhone, but the incident reminds us of other issues experienced by early stage "sharing economy" companies like Craigslist and Airbnb. As soon as a "platform" reaches a certain size, PR disasters detonate like little time bombs. Buyers or sellers assault, take advantage, or harass one another. Home renters snort meth in the apartment they're renting or, as PandoDaily recently reported, run a prostitution business using a seller's property.

It's not surprising that the uncomfortable PR debacle era has arrived for ride sharing with Uber (and perhaps down the line, Lyft). When you open your home, car, or self up to interactions with strangers through a web platform, this kind of stuff occasionally happens. It's the difference between a company being a platform — matching providers with users — and it being the provider itself.

When such incidents occur, the test is how companies handle them. Airbnb first failed, but ultimately passed, that test during its meth addicts' debacle, as Brian Chesky discussed with Sarah Lacy at the January PandoMonthly.

In Uber's case, the company doesn't have a history of handling driver-rider conflicts well. In September, Travis Kalanick took the side of a driver who allegedly choked a passenger. Internal Uber emails leaked to Gawker show that Kalanick told his team, "We need to make sure these writers don't come away thinking we are responsible even when these things do go bad... For whatever reason, these writers are starting to think we are somehow liable for these incidents that aren't even real in the first place."

Now with James Alva's case, it's clear that Uber doesn't feel responsible. "We're not law enforcement," Noyes told Pando during a phone call. "By the rider's own account, the police were called to the scene and determined there was no action necessary. So what would you propose that we do? If law enforcement pursues this, we would cooperate. But we're a technology platform that connects riders and providers, so it's not our job to investigate."

The company has temporarily suspended the driver, but if the district attorney doesn't pick up Alva's case, that will probably be the end of the matter, and the driver could soon be back on the road.

[Image via Thinkstock]

