

## The complaint

Mr C complains about Revolut Ltd's decision to hold him responsible for transactions which he says he didn't authorise.

### What happened

In March 2020, Mr C received a notification from his Revolut online banking application to let him know his card had been frozen due to suspicious activity. A series of transactions were made from Mr C's account to a gambling account. Mr C says he was at work at the time, on a night shift, and isn't meant to use his card while working. Mr C says the notifications continued and so he pressed a few buttons to try and make them stop. Mr C thinks he may have accidentally authorised the transactions.

When Mr C finished work, he went to his locker to get his belongings and noticed his Revolut debit card was missing. Mr C confirmed his other debit cards remained in his wallet. Mr C called Revolut to report the transactions and completed a chargeback form. Mr C also contacted the gambling site, but they couldn't help him as Mr C said it wasn't him who opened the gambling account.

The transactions relevant to the dispute are as follows:

Date	Time (approx.)	Amount	Method / Activity	Disputed?
29 March 2020	12.23pm	£20.00	Chip and PIN	No
29 March 2020	10.22pm	n/a	Gambling account opened	Yes
29 March 2020	10.24pm	£0	Online – transaction reversed	Yes
29 March 2020	10.24pm	£50	Online	Yes
29 March 2020	10.46pm	£100	Online	Yes
29 March 2020	11.09pm	£100	Online	Yes
29 March 2020	11.10pm	£100	Online	Yes
29 March 2020	11.25pm	£150	Online	Yes
29 March 2020	11.28pm	£150	Online	Yes
29 March 2020	11.31pm	£150	Online - declined	Yes
29 March 2020	11.33pm	£150	Online	Yes
29 March 2020	11.41pm	£150	Online	Yes
30 March 2020	01.28am	n/a	Card usage was detected by Revolut's security system	n/a
30 March 2020	01.31am	n/a	Card blocked	n/a
30 March 2020	01.32am	n/a	Card unblocked using mobile banking app	Yes
30 March 2020	02.20am	£150	Online	Yes
30 March 2020	02.37am	£150	Online	Yes

30 March 2020	02.40am	£150	Online	Yes
30 March 2020	02.41am	£150	Online	Yes
30 March 2020	03.20am	£150	Online	Yes
30 March 2020	03.22am	£250	Online	Yes
30 March 2020	03.42am	n/a	Mr C contacts gambling site	No
30 March 2020	03.42am	n/a	Mr C contacts Revolut	No
30 March 2020	03.50am	n/a	Mr C's card terminated	No

Revolut didn't return the money To Mr C. They said that as Mr C was using his mobile banking app at the time of the transactions, and also unblocked the card by authorising them on the app, they were holding him liable for the transactions.

Mr C brought the complaint to our service. As part of the investigator's review, she requested information from the gambling site in question. The gambling site confirmed that the account was opened on the same day the disputed transactions started – 29 March 2020. And the account was opened in Mr C's name including his personal details such as his address, date of birth, telephone number and email address. The investigator also learned that £259 was credited back into Mr C's account from the gambling site in September 2020. However, it doesn't appear that the account had been used between the date of the disputes in March 2020 and the credit in September 2020.

The investigator didn't uphold Mr C's complaint. She said that she thought it was more likely than not Mr C who authorised the transactions. In summary she thought there wasn't a clear point of compromise as to how an unauthorised person would have had access to Mr C's personal information to open the gambling account. So, she thought that even if Mr C had lost his card, the card alone wouldn't have been enough to carry out the transactions.

As an agreement couldn't be reached, the complaint has been passed to me to review.

### **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I agree with the investigator for broadly the same reasons. I've explained further below.

The basic position is that Revolut can hold Mr C liable for the disputed payments if the evidence suggests it's more likely than not that he made them or authorised them. For each transaction, Revolut has been able to provide evidence to show these payments were appropriately authenticated (using the card number, security code and expiry date) but that isn't enough to hold Mr C liable. I also need to consider whether the evidence suggests he consented to them.

The issues I have considered include:

- A gambling account was opened on 29 March 2020 – the same day as the first disputed transaction – in Mr C's name. This was done with his correct personal details, including his date of birth and address. The email and mobile phone number used also match those Mr C used when he brought his complaint to us.
- There's nothing definitive from these details that show the account was set up by someone else or by Mr C. Although I do wonder how someone who isn't Mr C would have known this amount of personal information.

- Mr C told us when he tried to contact the gambling site, they wouldn't speak to him because he told them it wasn't him who opened the account.
- By reviewing Mr C's statements, I can see the disputed transactions all took place between 10.24pm on 29 March 2020 through to around 3.20am on 30 March 2020. Mr C says he was at work at the time on a night shift.
- Revolut blocked the card due to suspicious activity which flagged on their security systems at around 01.31am on 30 March 2020.
- Mr C unblocked the card, and in turn authorised the payments on his mobile banking application around a minute after it was blocked.
- Mr C said he unblocked the card by mistake because he was trying to make the notifications stop because he was at work and shouldn't have been using his phone.
- Mr C said he realised his card was missing from his locker when he ended his night shift at around 3am on 30 March 2020 – however his other cards remained in his wallet.

If I was to believe Mr C hadn't made these transactions himself, I'd be accepting that an unauthorised third party stole Mr C's card, opened a gambling account in Mr C's name using his personal information and pursued to spend money on the gambling site without making any withdrawals.

I think it's reasonable to believe that a fraudster attempting to use Mr C's money unlawfully, would likely want to benefit from the activity. Therefore, I find it difficult to believe they would open the gambling account in Mr C's name and not make any withdrawals for their own benefit. In fact, the gambling account was left with around £250 in there and wasn't used again until the money was withdrawn to Mr C's own personal Revolut account in September 2020.

I've thought carefully about what Mr C has said about his card going missing. The last authorised transaction Mr C made was in a supermarket in the afternoon before Mr C's shift started at work. Mr C says he may have lost his card in the supermarket – or it may have been taken from somebody at work.

If Mr C lost his card in the supermarket, it must have been while he was walking out. I say that because he successfully paid for his shopping using chip and PIN which he doesn't dispute. While it's plausible a third party could have taken Mr C's card, I find it unlikely they would have known Mr C's personal details such as his date of birth, home address, email address and telephone number to open an account with the gambling site. And I don't think it's likely they would have waited around 10 hours to start using the card. So, I don't conclude this is what happened.

I've then thought about whether somebody at Mr C's work could have taken his card. Again, it's difficult to see how somebody at work would have known the level of personal details used to open the gambling account. However, it may be that Mr C has shared this with his colleagues so it could be a plausible option. However, I do find it difficult to understand why somebody from Mr C's work would open the gambling account in Mr C's name and not benefit from the money in there. I've also seen no explanation as to how somebody could have accessed Mr C's card as he says it was in his wallet which was in his locker. Mr C also said his other cards remained in his wallet and only his Revolut card went missing. This isn't what I'd expect to see from somebody trying to steal money from Mr C – it would seem more realistic that somebody would take all of Mr C's cards to take as much money as possible.

I've reviewed the transactions which took place on the gambling site and can see that at one point, the account had a balance of over £2,000 from winnings. However, instead of this money being withdrawn, it was used to continue to make transactions on the website. I don't

find this a usual pattern of a fraudster. I say that because a fraudster usually tries to gain from their actions – so it would have been more likely a fraudster would withdraw the money for them to access directly once they'd made such a large profit.

Revolut's security systems blocked Mr C's card due to the amount of transactions which had been made. However, Mr C unblocked the card using his mobile banking application a couple of minutes afterwards. Mr C has said he didn't intend to unblock the card and was rushing through the screens on his mobile banking application to stop the notifications. I appreciate Mr C was at work while this was happening and said he wasn't allowed to be on his phone. I've thought really carefully about this point. Revolut have provided us with screenshots to show the journey a consumer would have to go through to confirm the unblocking of the card. Having considered the amount of information on the screens Mr C would have seen, and the warning messages, I think it's reasonable to assume Mr C knew he would be unblocking the card and authorising the transactions. Mr C also didn't need to respond to the notification straight away – if he hadn't, the card would have remained blocked until Mr C had the opportunity to log on when he had the time to focus on it. I can't fairly hold Revolut responsible for Mr C's decision to use his phone while he was working.

I appreciate Mr C said he shouldn't have been on his phone, and this situation resulted in him losing his job. But he would have only been on his phone for a few minutes while completing the screens to unblock the card, so I think it's more likely than not he lost his job due to being on his phone most of the evening carrying out the transactions on the gambling site.

Mr C received a credit into his Revolut account in September 2020 from the gambling site. I haven't seen any evidence to show that Mr C queried this transaction and therefore it seems he was expecting to receive it. If Mr C didn't have an account with this site like he says, I can't understand why Mr C would have been expecting a credit from them.

Therefore, considering the circumstances of this complaint, and the activities which have taken place, I can't reach any reasonable conclusion here other than to say I think Mr C is responsible for the disputed payments. So, it follows that I won't be asking Revolut to do anything differently.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 1 March 2021.

Hayley West  
**Ombudsman**