

The complaint

Mrs A complains that NewDay Ltd (“NewDay”) have refused to accept her claim that three transactions on her account were fraudulent.

What happened

The details of this complaint are well known to both parties, so I won’t repeat them again here. Instead I’ll focus on giving my reasons for my decision.

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.

I know it will disappoint Mrs A, but I agree with the investigator’s opinion. Please let me explain why.

Where the information I’ve got is incomplete, unclear or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I’ve read and considered the whole file, but I’ll concentrate my comments on what I think is relevant. If I don’t comment on any specific point it’s not because I’ve failed to take it on board and think about it but because I don’t think I need to comment on it in order to reach what I think is the right outcome.

I don’t think it’s likely that the transactions Mrs A complains about were completed without her knowledge or approval. I say that because:

- the three payments in question were correctly authenticated using Mrs A’s card details and security information;
- I think it’s likely Mrs A consented to the payments being made because:
 - guest check out was completed on three occasions and that meant that personal details and card details would have needed to be added on three separate occasions. I think only someone with knowledge of Mrs A’s information could do that;
 - the orders used Mrs A’s address and that’s the same address we have on file for her. I don’t think it’s likely a fraudster would want goods delivered to Mrs A’s address;
 - whilst I understand Mrs A thinks the orders were diverted to another address, I’ve seen evidence from the delivery company that all orders were delivered to her address and signed for. I think that suggests Mrs A, or someone close to her, received the goods and it’s likely Mrs A would be aware of the deliveries;
 - NewDay have evidenced that the phone number used was one that used to be attached to this account and one on which they had previously spoken to Mrs A;
 - the IP and mobile provider details matched previous usage from Mrs A.

Taken together, I think this evidence is persuasive evidence that Mrs A authorised these transactions or provided the necessary authorisation details to someone else. I don't therefore think NewDay have been unreasonable to reject her claim.

My final decision

For the reasons I've given above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 27 July 2021.

Phillip McMahon
Ombudsman