

The complaint

Mr F has complained Oplo PL Ltd has lodged a fraud-related marker against his name.

Mr F is represented in his complaint by his wife, Mrs F.

What happened

After having a loan application turned down by Oplo, Mr F found out a CIFAS marker was lodged against his name accusing him of making a fraudulent loan application.

Oplo had evidence that the bank statements, submitted in support of the loan application, had been doctored. They believed Mr F was responsible for this and wouldn't remove the marker. Mr F brought his complaint to the ombudsman service.

Our investigator spoke at length to Mrs F about what had happened. She confirmed Mr F was dyslexic so couldn't be responsible for amending his bank statements. She admitted she'd done this to remove gambling transactions which she believed may have a negative impact on Mr F's loan application. Our investigator told Oplo they'd not met the benchmark for sufficient evidence to lodge a CIFAS marker.

Oplo didn't believe they'd done anything wrong. They've asked an ombudsman to consider Mr F's complaint.

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've reached the same conclusion as our investigator. I'll explain why.

Oplo is aware that there are rules around placing a marker which advises other business parties that the applicant has made a fraudulent application. This requires it to have undertaken sufficient checks to satisfy themselves they have enough grounds to press criminal charges as a result of the fraudulent application.

I've got no evidence of the checks Oplo took although I suspect they relied on the checks they did to verify Mr F's bank statements. All parties accept these had been doctored. I've no reason to doubt the testimony of Mrs F that she made the changes for the best of reasons but as it turns out misguidedly.

Oplo has raised the issue that we only have verbal testimony from Mrs F that this is what occurred. I disagree. I've also seen evidence from Mr F's bank that they have a record of his dyslexia. This therefore backs up Mrs F's claim that Mr F would have been unable to doctor the statement himself. It also supports the fact Mrs F made applications for Mr F as she was helping him out with the paperwork needed for any loan application.

It seems clear to me Oplo didn't probe any further beyond the statements to find out what had been going on. I'm therefore satisfied they didn't carry out sufficient checks and in any

case there's not enough evidence to support a CIFAS marker that Mr F made a fraudulent application.

Putting things right

As I don't think Oplo did enough, they now have to remove the CIFAS marker from Mr F's record.

My final decision

For the reasons I've given, my final decision is to instruct Oplo PL Ltd to remove the CIFAS marker they lodged against Mr F.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 6 October 2021.

Sandra Quinn
Ombudsman