

The complaint

E, a limited company, complains that Advanced Payment Solutions Limited trading as Cashplus won't refund a cash machine withdrawal from the account it didn't receive.

What happened

The director of E says he tried to take out £500 from a cash machine on 8 March 2021. The card was returned but no money was given. The owner of the cash machine said he should raise this with Cashplus.

Cashplus said it wouldn't be refunding this money. It had made a chargeback to the owner of the cash machine. And it says it received evidence that the money was dispensed.

Our investigator recommended that the complaint be upheld, and the money and any fees refunded with eight per cent simple interest per annum. Cashplus had provided a copy of the journal roll showing that E's card and PIN was entered and a request to withdraw the money was made. But we'd also expect to see evidence that the machine balanced and that no cash has been rejected. And confirmation that there were no technical issues with the machine

Cashplus didn't agree. It said it had no ability to request specific pieces of information from the cash machine owner. And the time limits for chargeback had now expired and it wasn't able to raise a second dispute. It said we might want to request further information.

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.

It was fairly Cashplus' responsibility to provide evidence to support this disputed transaction. And I note the time that has since elapsed and that it raised the dispute by chargeback and had not contacted the cashpoint owner directly. So, it says that this restricted the time within which it could ask for information and its ability to ask specific questions.

We expect and typically receive the information that our investigator's referred to. So, I think Cashplus has had a reasonable opportunity to provide evidence.

I will be making my decision based upon what Cashplus and E have provided. The journal roll confirms that the card was inserted, and the correct PIN entered. And that a request for £500 was made. This doesn't though rule out a technical error or for example the notes being purged and retained by the machine.

E had made an earlier similar dispute about a withdrawal at the same cash machine in December 2020. I will be making a decision about that one separately. But I can reasonably think about how likely it is that there were two such errors for E at the same machine. Against that I note that the director had been using this machine regularly for similar withdrawals from E's account and that E had significant credit balances. I think he could

expect particularly close attention by Cashplus to be paid to a second similar dispute and that if not genuine this would be discovered with systems information. And from the information I've seen he'd not been told about the outcome of the first dispute when he raised this one and so the reasons why that hadn't been upheld.

I've balanced all these factors in making my decision. I'm not persuaded that Cashplus has established that this cash was correctly dispensed. And I accept the director's account on behalf of E of what happened as most likely. So, I will be requiring Cashplus to refund this money with simple interest.

My final decision

My decision is that I uphold this complaint and I require Advanced Payment Solutions Limited trading as Cashplus to:

- 1) Refund £500 together with any related fees applied to E
- 2) Pay E simple interest of eight per cent per annum on the refunded amount from the date of withdrawal to the date of settlement.

Under the rules of the Financial Ombudsman Service, I'm required to ask E to accept or reject my decision before 16 June 2022.

Michael Crewe
Ombudsman