

## The complaint

Ms G and Mr T have complained that Casualty & General Insurance Company (Europe) Limited (C&G) has declined their claim for the cost of treatment for their dog.

## What happened

Ms G and Mr T's dog, who I'll refer to as "M", was insured by C&G from 14 December 2021. M had a recent history of a high Body Condition Score (BCS) which is a quantitative, but subjective, method of evaluating a dog's body fat. A score can range from 1 to 9. A BCS of 9 means a dog is "severely overweight, covered in fat, and at risk or suffering from complications of obesity such as arthritis and diabetes".

Between September 2010 and February 2022, M's BCS was in the region of 8 to 9. On 24 February 2022, M required surgery to replace a dislocated femur, the cost of which Ms G and Mr T claimed from C&G. C&G rejected their claim, referring to a term of their policy which states:

*"What is not insured?*

*Any claims resulting from Your pet being medically overweight or underweight and this results in Your pet needing Treatment as a result of not being the recommended medical weight for its age, breed type and sex as recommended by a Vet."*

Ms G and Mr T argue that a BCS is not determined simply by a dog's weight and that other features are taken into account. They say that no concerns about M's condition were raised by her vet and there was no concern about the operation taking place to replace her femur. They brought their complaint to this service.

Our investigator's view was that the exclusion referred to above required any claim to *result* from M being overweight, and this *results* in the need for treatment as a result of not being the recommended medical weight. There was no medical or expert opinion provided by C&G that supported that M's injury *resulted* from her being overweight. He didn't think that C&G had been fair in rejecting Ms G and Mr T's claim.

C&G doesn't agree with our investigator's view and has asked that the complaint be referred to an ombudsman for a final decision from this service.

## 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'm upholding Ms G and Mr T's complaint and I'll explain why.

I've looked at the terms of Ms G and Mr T's policy and also at M's veterinary history. I've also looked into how BCS scores are arrived at, and into the causes of hip dislocation.

As C&G is relying on an exclusion within the policy terms to deny Ms G and Mr T's claim, it is for C&G to provide evidence that this exclusion applies in M's case. I consider it's failed to do so on three grounds:

Firstly, whilst it is clear from the BCS results in M's notes that she was obese, there's no evidence that Ms G and Mr T were advised what her medical weight should be, possibly with some recommendation as to how she could achieve a more suitable BCS. The exclusion specifically refers to a pet requiring treatment "*as a result of not being the recommended medical weight for its age, breed type and sex as recommended by a Vet*". So there's no evidence that Ms G and Mr T were given or ignored a recommendation.

Secondly, according to the exclusion, the need for treatment has to be *a result* of the pet being medically overweight. I've seen no independent evidence that M required treatment for hip dislocation *as a result of* being medically overweight. There could've been one or more other factors that could've caused or contributed to the hip displacement. Whilst being overweight can be a contributory factor, I've seen no evidence to say to what extent, if at all, it was in M's case.

Thirdly, the fact that M's operation went ahead would suggest that the vet had no concerns that she was medically overweight such as to present a significant risk.

So as I don't consider that C&G has sufficiently evidenced that the exclusion it relies upon applies in M's case, I'm upholding Ms G and Mr T's complaint.

I don't consider that there are any factors in this case that make compensation appropriate.

### **My final decision**

For the reasons I've given above I'm upholding Ms G and Mr T's complaint.

I require Casualty & General Insurance Company (Europe) Limited to settle their claim subject to the other terms and conditions of their policy.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms G and Mr T to accept or reject my decision before 12 December 2022.

Nigel Bremner  
**Ombudsman**