

The complaint

Mr F is unhappy that Assurant General Insurance Limited (AGI) has refused to handle his claim until he returns a phone issued to him following a different claim on a different policy.

What happened

Mr F had mobile phone insurance, underwritten by AGI, and provided through his bank. He lost his phone and claimed under the policy. On checking Mr F's claim history, AGI saw there was an outstanding issue with a previous claim.

Mr F had claimed for a phone covered under a different policy also underwritten by AGI which was provided for him through a different bank. For that claim, AGI said he'd sent the wrong phone - a much lower specification - in return for his replacement phone. When AGI asked for the correct phone, Mr F denied sending an incorrect phone.

So, when Mr F made this claim, AGI refused to handle it until he returned the phone from his other claim.

Mr F complained to AGI. He said he'd returned the phone and, anyway, AGI should be handling his current claim. AGI issued a final response to say it would only consider his claim when he returned the phone. So, Mr F brought his complaint to our service.

Our investigator upheld the complaint. She said AGI hadn't declined the claim under any of the terms and conditions of Mr F's current policy. To put matters right, our investigator said AGI should consider the claim in line with the policy.

AGI didn't agree because it said it would only consider the claim once Mr F returned its property.

The complaint was passed to me to decide.

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've decided to uphold this complaint for broadly the same reasons as our investigator. I'll explain.

The issue here is that AGI won't consider Mr F's claim until a dispute about a claim he made under a different policy is resolved.

My role is to decide whether AGI handled *this* claim fairly and reasonably, and in line with the policy terms and conditions. But, looking at its response to Mr F's claim, I can't see that AGI has considered the policy. Instead it has refused to consider it based on an unresolved dispute about another claim on another policy.

While I understand why AGI wants to get both matters resolved, it must consider Mr F's current claim under his current policy.

Therefore, I'm satisfied that AGI needs to put matters right by considering Mr F's claim in line with the policy terms and conditions.

To be clear, I'm not asking AGI to settle the claim. Once AGI has considered the claim in line with the policy, it should either settle the claim or decline it, explaining why the policy allows it to do so.

My final decision

For the reasons given above, my final decision is that I uphold this complaint and Assurant General Insurance Limited must:

- consider Mr F's claim for his lost mobile phone under the terms and conditions of his policy.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 31 October 2022.

Debra Vaughan
Ombudsman