

The complaint

Mr B complains that TSB Bank Plc has declined to refund transactions he says he didn't make or allow anyone else to make.

What happened

In April 2021 Mr B reported several gambling transactions that took place on his account as fraudulent - these were online card payments.

Mr B says he was promised a refund but instead TSB has closed his account.

TSB says that since Mr B opened the account in January 2021 he's raised three fraud claims in relation to gambling transactions. It concluded that he did authorise the transactions in relation to his most recent claim and issued notice to close his account. TSB accepted there had been some customer service failings while dealing with Mr B's claim and so paid him £50 compensation in recognition of this.

When Mr B brought his complaint to our service, the investigator didn't uphold his complaint. They thought TSB had declined Mr B's claim fairly.

Mr B didn't agree, in particular he raised that the gambling account wasn't in his name. So, the matter has been 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.

Having done so, I'm not upholding this complaint. I think TSB has acted fairly and reasonably in declining Mr B's claim for the following reasons:

- The payments were made using Mr B's card information and so were authenticated correctly.
- There were a significant number of mobile banking logins during the time period the disputed transactions took place, but Mr B didn't dispute the payments at the time. I find it unlikely that Mr B wouldn't have been aware of the account activity, even if he didn't check through the payments on his account, he would have seen a substantially different balance on the main page of his banking application than it would have been without the disputed payments.
- Mr B has disputed payments made using more than one card – there's no explanation for how a third party has accessed his card information repeatedly.
- Any winnings would have been returned to Mr B's account and not to a third party's account. When credits were made to Mr B's account from gambling companies he hasn't disputed these and there have been no disputed payments to other people

from his account which suggests there have been no attempts by a third party to utilise any winnings beyond further gambling.

- The IP address for several of the disputed transactions matches that used for Mr B's mobile banking application usage. This indicates that whoever is making the disputed payments is in the same location as Mr B.
- I note one of the gambling accounts is not in Mr B's name – when asked, Mr B says he doesn't recognise this name. However, the above evidence is not consistent with the payments being made by an unknown third party. So, I think it was reasonable for TSB to conclude that it was more likely than not Mr B who either made the payments himself or allowed someone else to make them.

Mr B has not complained about TSB's decision to close his account, but he has raised other customer service issues. In particular, being initially told he would receive a refund, poor communication, and delays by TSB. Having considered these points, I think the £50 compensation TSB has paid Mr B is fair and so I'm not going to make a further award here.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 13 October 2022.

Stephanie Mitchell
Ombudsman