DRN-3733202

The complaint

Mr B complains that AWP P&C SA declined a claim he made on his motor warranty.

Reference to AWP includes its agents.

What happened

Mr B holds a motor warranty with AWP. When his car needed a repair to the subframe, he made a claim to AWP. AWP declined the claim and the damage was excluded from cover.

Mr B wasn't happy with this and complained to AWP. AWP didn't change its stance, so Mr B brought his complaint to us.

AWP didn't send us any information on this complaint, so on that basis, one of our investigator's recommended it be upheld and that AWP pay Mr B's claim.

AWP didn't respond to our investigator's assessment, so the case has come to me to issue an ombudsman's decision.

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 it. I'll explain why.

- We've asked for AWP's evidence and arguments to explain why it thinks declining Mr B's claim is fair. But we've not received anything.
- As it stands Mr B has passed his burden of proof, he's shown his car has a fault and that he has a warranty that *potentially* covers his claim.
- If AWP wants to decline the claim based on an exclusion in the policy, it needs to evidence that this is fair. It's not sent us any information, there's no report of the damage, so it's not passed its burden.
- Our investigator explained this in their assessment, but AWP haven't responded to that either.
- So, as it stands AWP hasn't sent us evidence to show its actions were fair or in line with this policy, and it's not shown or told us what it thinks about our investigators assessment.
- I'm not satisfied AWP has shown its actions were in line with the policy or fair. So, it follows that based on the limited information I've seen, I don't find its decline of Mr B's claim fair. So, to put things right, it needs to pay this claim.

My final decision

For the reasons set out above, I uphold Mr B's complaint and require AWP P&C SA to:

- Pay Mr B's claim for the subframe on receipt of a valid invoice. Any payment should include 8% simple interest to be calculated from the date Mr B paid for the repair to the date AWP pay him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 18 November 2022.

Joe Thornley
Ombudsman