

## **The complaint**

Mr D complains that Capital One (Europe) plc (Capital One) didn't return a bill of exchange when it declined the bill as payment towards Mr D's credit card. He would like compensation.

## **What happened**

The details of this complaint are well known to both parties so I won't repeat them again here instead I will focus on giving the reasons for my 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 have reached the following conclusions:-

- Mr D has already had one complaint dealt with by this service in relation to his payment being declined. This complaint specifically deals with the fact that once Capital One said it was unable to use the bill of exchange towards Mr D's credit card payment Mr D asked for this document back but says he hasn't received it.
- Capital One told us it sent the bill of exchange back 22 October 2022, the notes on its system however only refer to a letter being sent not to the bill being returned. Capital One has explained it uses standard delivery not a tracking service so it can't track if the bill was delivered or not. Based on this information I can't be entirely sure the bill of exchange was returned or not.
- The information that has been provided is confusing. I have seen a letter sent to Mr D dated 25 October 2022 which says the payment is in the process of being cleared. I have also seen a date stamp of 19 October 2022 on the letter Mr D sent with his payment which states 'no payment processed'. I don't have an explanation for this anomaly – the letter could have been generated by a systems or human error. But I don't feel the anomaly in these dates amounts to an attempt to defraud or deliberately deceive as Mr D believes. Capital One agreed with our investigator's view to pay £75 compensation for the confusing communications and I think this is fair.
- Mr D has asked that the full value of the bill – just over £400 - is refunded on the basis the bill could still be cashed. I don't think Mr D's request is reasonable. We know the bill wasn't cashed so Mr D he isn't out of pocket. And given Capital One has told us it doesn't use bills of exchange towards credit card payments I don't think there is any risk of the bill being cashed, assuming of course Capital One still has it.

## **My final decision**

My final decision is that I uphold this complaint.

In full and final settlement Capital One (Europe) plc should pay Mr D £75 compensation for the distress and inconvenience caused in relation to returning his bill

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 13 December 2023.

Bridget Makins  
**Ombudsman**