

## **The complaint**

Mr L complains that Capital One (Europe) plc has refused to write off his debt and has not fairly considered that request.

## **What happened**

Mr L says he asked Capital One to write off his credit card account debt. He says he has a number of health issues which mean he can no longer work. Mr L says he provided medical evidence to Capital One, but it unfairly refused his request to write off the account balance. Mr L also complains not only about that decision but how Capital One dealt with his request.

Capital One says it's offered help to Mr L by providing information about debt organisations that could help him and by applying an interest free "breathing space". It says it has considered the information Mr L has provided and says it will not write off the debt.

Mr L brought his complaint to us, and our investigator didn't uphold the complaint. The investigator thought Capital One had fairly considered Mr L's medical evidence and all the information but was entitled to reach its own decision about writing off the debt. The investigator also considered the lending affordable at the time and provided Mr L with her reasons for reaching that conclusion.

Mr L doesn't accept that view and says in summary Capital One hasn't considered his vulnerabilities and his inability to repay this debt. He says he couldn't afford a payment plan in any event. Mr L says it's irrelevant what his circumstances were at the time of lending as the position has now changed. He would like this debt written off.

## **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 come to the overall view that I don't uphold this complaint. I appreciate Mr L will be disappointed by my decision.

I'm satisfied the main part of Mr L's complaint is that Capital One didn't fairly consider his request to have the debt written off. I am sure Mr L accepts that he entered into a contractual relationship with Capital One and would have agreed to repay the debt he owed. So, I am satisfied the debt is owed and that it's Mr L's responsibility to repay it.

Any lender should treat a borrower in financial difficulties positively and sympathetically. I can see that Capital One fairly directed Mr L to a number of debt specialists that could have assisted him and has fairly agreed an interest free "breathing space" period. I can also see that Capital One has requested information about Mr L's income and expenditure. So, I'm satisfied that Capital One has acted as I would expect in these circumstances by trying to offer support to Mr L and by acting in a positive and sympathetic way.

The key part of this complaint is the request by Mr L to write off the account balance. I'm

satisfied that it's up to Capital One to make a such a commercial decision in these circumstances and I have not seen any evidence of reasons that would prevent Capital One pursuing this debt. We can consider directing a business write off a debt in certain limited circumstances, but I think this is a debt owed by Mr L that Capital One is entitled to ask that it be repaid. I can't see that there any such reasons here.

I accept that Capital One could have explained its reasons for refusing Mr L's request in more detail but think that the outcome would have been the same in any event. I have looked carefully at Capital One's records and am satisfied that it did fairly consider Mr L's write off request as well as consider his medical evidence.

I appreciate that the investigator has considered the affordability of the account and that is not Mr L's complaint. I make clear that I am satisfied Capital One did carry out reasonable and proportionate checks on Mr L's application. I can see it fairly considered Mr L's income and expenditure at the time and that there was no recent adverse information on his credit file. So, I don't think the lending decision was irresponsible or unaffordable at the time of the account opening.

Overall, I'm satisfied that Capital One did fairly consider Mr L's request to write of his debt and was reasonably entitled to reject that application. I'm satisfied that it told Mr L that and so think this now brings an end to what we in trying to resolve this dispute informally can do.

### **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 L to accept or reject my decision before 8 August 2023.

David Singh  
**Ombudsman**