

The complaint

Mr J complains about the service he's received from OANDA Europe Limited. He's unhappy that he had to partially close an open position due to system issues which meant he was unable to fund his account.

What happened

The background to this complaint is well known to both parties so I won't go over it in great detail, but the key facts are as follows:

- Mr J had an open USD/JPY position with OANDA and he tried to fund his account on 2 March 2023 in order to avoid a potential margin call.
- He was unable to fund the account due to an issue with OANDA's systems, so he partially closed his position which resulted in a loss of £23.73.
- OANDA apologised to Mr J for the inconvenience he'd faced and compensated him with £24.79 for the loss he'd suffered.
- Mr J asked us to look into the matter. He thought that he hadn't been correctly compensated for his loss or for the stress he'd suffered. He explained that he had an underlying health condition which had been exacerbated by the issue and had caused him significant stress.
- One of our investigators looked into the matter and thought that OANDA should compensate Mr J with £250 for the distress and discomfort they'd caused him.
- OANDA didn't accept the investigator's findings as they thought that £100 was fair compensation in the circumstances. They queried if Mr J had provided any medical evidence to substantiate his claim and explained that they'd sought medical guidance and had been told that Mr J's condition could have been triggered by a variety of catalysts.

The investigator wasn't persuaded to change his opinion and as there's been no agreement the complaint has been passed to me to make a 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.

OANDA have accepted that their system issues prevented Mr J from funding his account so what I need to determine is fair compensation for the financial loss and distress he suffered. From what I've seen OANDA have compensated Mr J fairly for his financial loss, so I'm satisfied that they don't need to do any more in respect of that point.

I've then gone on to consider the distress Mr J suffered. The system issue preventing

funding of accounts was resolved fairly quickly - within eight hours of it occurring - so I don't think it's unreasonable to suggest that the impact on the day wasn't too severe for Mr J. However, I must also take into account the subsequent impact the issue had on him.

He's provided detailed testimony of the issues he faced and details of his medical records. He's explained that he had a small flare up in January 2023 but the episode in March 2023 was the worst he'd experienced in six years.

His medical records show a history of the medication he takes to manage his condition. From what I've seen he ordered the medication on 30 May 2022, 27 January 2023 and 14 April 2023. I think the difference between the gaps when the medication was ordered - around eight months between May 2022 and January 2023 but only two and half months between January 2023 and April 2023 - adds weight to Mr J's claim that stress caused by not being able to fund his account caused the episode.

I appreciate the comments OANDA have made about the number of potential reasons behind the flare up, but I think the available evidence - Mr J's testimony and medical records - shows it is more likely than not that it was caused by the stress Mr J experienced from the system issue. Therefore, I think it is fair that OANDA compensate Mr J for the distress he suffered.

Putting things right

In order to put things right for Mr J in light of the distress he suffered as a result of being unable to fund his account, I think it would be fair and reasonable for OANDA to pay him £250.

My final decision

For the reasons I've given above, my decision is that I uphold this complaint. OANDA Europe Limited should pay compensation as set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 11 October 2023.

Marc Purnell
Ombudsman