

### **The complaint**

Mr J complains American Express Services Europe Limited (Amex) says it returned payments to the third party who deposited monies into his credit card account, but these weren't ever received.

### **What happened**

Mr J says four payments were deposited to his credit card account with Amex from a third party in June 2022 totalling £4,650. Mr J says he was told by Amex these were returned to the source of the payments but having checked with the third party, these monies haven't been received into their bank account. Mr J says this matter has been ongoing for many months and Amex aren't able to confirm where the money has been sent to.

Mr J wants Amex to re-allocate the returned payments back to his credit card account.

Amex says the payments were returned to the original source in late August 2022 and Mr J would need to ask the third party to trace these payments with their own bank. Amex says it has made no error here but as a gesture of goodwill for the frustration this matter has caused, paid him £25.

Mr J wasn't happy with Amex's response and referred the matter to this service.

The investigator looked at all the available information but didn't uphold the complaint. The investigator felt Amex had not made an error as the payments were reversed on the instructions of the issuing bank. The investigator felt Mr J should ask the third party to contact their bank regarding these returned payments.

Mr J didn't agree with the investigator's view and asked for the matter to be referred to an ombudsman for a final 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 won't be upholding this complaint and I will explain how I have come to my decision.

I can understand it would be upsetting for Mr J to have learned payments made from a third party into his Amex credit card account were reversed by Amex, and then to be informed these funds were never received by the third party in question.

When looking at this complaint I will decide if Amex acted reasonably when it reversed the payments made into Mr J's credit card account and if it could have done anymore to inform Mr J of what was happening.

It's worth saying here and as understood by Mr J, third party payments into his credit card account are not permitted under the terms and conditions of the account and therefore it

would be reasonable for Amex to return such payments if that happened. Here though, Mr J's complaint centres around the fact the third party who sent the monies to his credit card account has told him these funds have never been received by them and Amex haven't been helpful in locating where these funds have been sent exactly.

It's fair to say here, matters could have been explained a little more clearly to Mr J by Amex albeit it is restricted to some extent by data protection regulations. Having investigated the matter further, I have been informed by Amex it has carried out the instructions given by the third party who originally sent the payments to Mr J's credit card account.

Due to data protection regulations I nor Amex are permitted to divulge exactly where those monies have been sent, but I have been provided with information from Amex explaining the original sender of those payments contacted Amex in August 2022 and requested that these monies be re allocated to an account of their choice and Amex carried out those instructions.

So, it's not clear why the third party says they haven't received those monies, but that's not something I can consider under the circumstances of this complaint, for the reasons I have already explained.

While Mr J will be disappointed with my decision, I won't be asking anymore of Amex.

### **My final decision**

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 27 November 2023.

Barry White  
**Ombudsman**