

The complaint

Mr D complains that Think Money Limited ("Think Money") won't refund payments totalling £2,669.87 made from his account that he says he didn't authorise.

The details of this complaint are well known to both parties, so I won't repeat everything 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 agree with the conclusions reached by the investigator for the following reasons:

- Having considered the facts before me as well as the relevant law, the key question I need to determine here is whether it is more likely than not that Mr D authorised the disputed transactions. In other words, I need to decide whether Mr D made the transactions himself or gave someone permission to do so. This is important because a customer will usually be liable for payments they've authorised and, generally speaking, a bank will be liable for any unauthorised payments.
- In this instance, ten Faster Payments ranging between £200-£300 were made from Mr D's account with Think Money on 19 December 2022. The payments were made via the Think Money app from a device that was newly registered to the account on 10 December 2022. Think Money has explained that for the new device to be set up, the person registering it would've had to have known Mr D's details such as his account number, date of birth, email address, memorable phrase, as well as entering a One-Time Passcode (OTP) that had been sent to Mr D's registered phone number. The evidence provided shows that a total of five OTPs were sent to Mr D's mobile on 10 December 2022 when the new device was set up. It also shows that Mr D logged into his account from his existing device to reset his password and memorable phrase (which prompted the OTPs being sent to his phone), prior to the new device being added.
- Therefore, whoever set up the new device on the account would've had to have been in possession of Mr D's phone and known his passcode to access it, in order to then login to his Think Money app and intercept the OTPs. However, Mr D said that no one else knew or had access to his account login details apart from him. He told Think Money that he also hadn't received any suspicious calls or text messages prior to the new device being registered to his account either, and there's nothing to suggest he'd given his device to anyone else to use.
- So, there's seemingly no other plausible explanation for how an unauthorised third party would've been able to gain access to his phone or Think Money app on 10 December 2022 in order to register the new device. It would also be unusual for an unauthorised party to gain access to an account, only to then wait nine days before making any payments. And I note that the IP address used to make the payments has since been

used to make other payments that *haven't* been disputed.

- Given Mr D didn't share his security details or device with anyone else, the only plausible conclusion is that either Mr D registered the new device on his account and made the transactions himself, or gave his device and details to somebody else to do it, thereby giving his consent and authority for payments to be made on his behalf. I appreciate that Mr D disputes this, but given no one else had access to his device, there is no other more plausible explanation for how the payments could have otherwise been made.
- I also appreciate that Think Money arguably ought to have intervened when the payments were being made in light of the suspicious pattern of payments being made – i.e. multiple small transactions being made in quick succession – in order to check that Mr D wasn't at risk of falling victim to fraud. But given there's little to indicate that Mr D has fallen victim to any sort of scam here (and because the evidence suggests he likely authorised the payments) I'm not persuaded any intervention or scam warning would have prevented the payments from being made in any event.

I appreciate this will likely come as a disappointment to Mr D. However, in the circumstances, I'm satisfied Think Money have provided enough evidence to show the disputed payments were more likely than not to have been authorised by him, so I won't be asking it to take any further action.

My final decision

For the reasons given above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 30 April 2024.

Jack Ferris
Ombudsman