

The complaint

Mr T complains Monzo Bank Ltd (Monzo) failed to refund him for transactions on his account he says he didn't make.

What happened

Mr T says four transactions were made on his Monzo account on 27 May 2023 totally an amount of £720.80 – which he says are fraudulent. Mr T also says he thinks his card was cloned and his PIN changed at an ATM by someone else. Mr T is unhappy with Monzo's response to his complaint, he feels like he is being passed around and given the same information again and again.

Monzo say the transactions in dispute were all carried out using ApplePay and that adding Mr T's card to an ApplePay account required verification through the Monzo app. Monzo have provided evidence to show there is only one device linked to Mr T's Monzo app, and this is the same device that was used to approve the card being added to ApplePay. They've also shown that this is the only device used to access his Monzo account around the time. So, they've concluded that these transactions must have been made by Mr T and they have not refunded him for these transactions. But Monzo have paid Mr T £50 in compensation to say sorry for the delay in responding to his fraud complaint.

Mr T maintains that he has never shared his PIN with anyone, and he never approved anything in his Monzo app to add his card to an ApplePay account.

Our investigator considered this complaint and decided not to uphold the complaint. Mr T is unhappy with this outcome and so the complaint has been passed to me 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.

Where there's a dispute about what happened, and the evidence is incomplete or contradictory, I must make my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available evidence.

The general rule here is that Mr T should only be responsible for transactions made from his account that he has authorised himself. Mr T has said they didn't give any permission for the transactions in dispute to be made but Monzo believes he did. So, I need to decide whether I think Mr T more likely than not authorised the transactions, based on the evidence I have available.

Monzo have provided evidence that the payments in dispute were made via ApplePay using Mr T's Monzo card. They've also provided evidence of the steps required to add a Monzo card to an ApplePay account. This shows that it would need to be approved in the Monzo app and the four-digit PIN would need to be entered to complete this process. The device log provided by Monzo shows that the only device used to access his Monzo account is the

android device he has always used. So, from this evidence I think it's more likely than not that Mr T approved the request to add his Monzo card to an ApplePay account, and so it follows that it is more likely than not that he authorised and consented to these transactions.

Mr T is adamant that he never authorised his card to be added to ApplePay, nor did he authorise any of the disputed payments through his app. Mr T said he has always had an android phone so these payments could not have been made by him. But he has not provided any plausible explanation of how his phone could have been used to do this or how someone could've known his PIN to authorise adding the Monzo card to an ApplePay account. It is not in dispute that these transactions were carried out using an Apple device and not Mr T's android device. However, the evidence clearly shows that the approval to add the card to the Apple device came from Mr T's device. And Mr T has told us that he had his device in his possession around the time. So, without out any other plausible explanation of how this happened, I'm persuaded by the evidence that he approved this himself.

Mr T has told us that he received a call from someone claiming to be from the Monzo fraud team moments before the fraudulent transactions were made. Monzo asked him about this call and Mr T maintained throughout that he did not divulge any information about his account nor he did not authorise anything in his Monzo app during the call. So, this persuades me further that the transactions then must have been authorised by Mr T.

I am sure this outcome will come as a disappointment to Mr T but having considered everything I've seen and been told I think it's more likely than not that Mr T authorised and consented to these transactions.

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 12 February 2024.

Sienna Mahboobani
Ombudsman