

## **The complaint**

Miss G has complained J.P. Morgan Europe limited, trading as Chase, won't refund her for transactions she didn't authorise.

## **What happened**

In May 2023 Miss G contacted Chase as she noticed transactions she didn't recognise and hadn't made. Chase reviewed these but felt their evidence showed they'd been authorised by Miss G using the phone she normally used.

Miss G brought her complaint to the ombudsman service. She's lost £400 which was a large amount for her to lose and wasn't happy with how she'd been treated by Chase.

Our investigator reviewed the evidence and Miss G's testimony. She believed it was most likely that Miss G had authorised the transactions and wouldn't ask Chase to refund her.

Miss G remained unhappy with this outcome and has asked an ombudsman to consider her complaint.

## **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've reached the same outcome as our investigator. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

The regulations which are relevant to Miss G's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves. Other factors do apply but nothing else specific in Miss G's case.

So to help me decide what happened, I've looked at the evidence of the transactions, as well as what Chase and Miss G have told us.

Overall I believe the evidence shows Miss G did authorise the disputed transactions. I say this because:

- The device used by Miss G was the one used to authenticate the transactions. Miss G appeared to have noticed what happened almost straightaway and contacted Chase but there's no suggestion from her that her phone wasn't with her at the time.

- The device data shared by Chase shows this is the same device Miss G used before and after the disputed transactions.
- There's a logon to Miss G's Chase account a couple of minutes before the first disputed transaction and I can't see how a third party (either known or unknown to Miss G) would have been able to access Miss G's phone and her Chase account.

I agree with Miss G that deciding a case by what is supposed to be normal fraudulent behaviour can be misleading and I know of many occasions when fraudsters – known or unknown – don't empty accounts as they're often expected to do.

What I think is most likely to have happened is that Miss G mistakenly authorised these transactions. She may even have been tricked into doing so or been unaware exactly what she was doing and immediately regretted it and realised her error which is why she contacted Chase so quickly.

However I'm sorry to confirm that I believe there's sufficient evidence to show Miss G authorised these transactions. I won't be asking Chase to do anything further.

### **My final decision**

For the reasons given, my final decision is not to uphold Miss G's complaint against J.P. Morgan Europe Limited, trading as Chase.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss G to accept or reject my decision before 29 February 2024.

Sandra Quinn  
**Ombudsman**