

The complaint

Mr J complains that Lloyds Bank Plc unfairly removed funds from his account after a failed attempt to withdraw cash from an ATM.

What happened

Mr J says he attempted to withdraw £150 from an automated teller machine (ATM) but although his card was returned to him, no funds were dispensed.

On 22 June 2023 Mr J logged an ATM dispute claim with Lloyds who credited his account with £150 whilst his dispute was investigated.

Lloyds investigated matters. It then wrote to Mr J to say his claim had been declined and the credit of £150 applied to his account on 22 June 2023 would be “*reclaimed*” in ten days.

On 10 July 2023 Mr J complained to Lloyds about its decision to decline his claim.

On 26 July 2023 Lloyds issued Mr J with a final response letter (“FRL”). Under cover of this FRL Lloyds said it was satisfied it had done nothing wrong.

On 22 September 2023 and unhappy with Lloyds FRL, Mr J referred his complaint to our service.

Mr J’s complaint was considered by one of our investigators who came to the view that it shouldn’t be upheld.

Mr J didn’t agree with the investigator’s view so his complaint has been passed to me for review and 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 can confirm that I’ve come to the same overall outcome as the investigator and for broadly the same reasons. There is also very little I can usefully add to what has already been said.

Once Lloyds was made aware of the issue experienced by Mr J, it contacted the operator of the ATM and asked them to provide details of the withdrawal and evidence that the ATM was operating properly.

Lloyds received information that showed the ATM dispensed the funds that Mr J asked for (£150) and they included details of other activity at the ATM both before and after Mr J’s withdrawal. Those other transactions appeared to also be successful. The ATM operator also confirmed to Lloyds that the ATM in question balanced and showed no surplus and that there were no error messages were recorded at the material time.

I've to make my findings based on the available evidence. The reports received by Lloyds don't indicate any problem at the time the withdrawal was made by Mr J, so taking everything into account, I think it more likely than not that the money was dispensed by the ATM after Mr J made the withdrawal request. I can't say what happened at that point, but as the transaction was authorised (when the PIN was entered) I think it was both fair and reasonable that Lloyds held Mr J liable for the withdrawal.

Mr J has asked why CCTV footage wasn't reviewed. Now it's not clear whether any CCTV was in operation. But even if it was I'm not persuaded, given the passage of time, this would now be available. But in any event, I don't think it would have been helpful in this case because the records produced indicate the cash was dispensed.

My final decision

My final decision is I don't 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 16 March 2024.

Peter Cook
Ombudsman