

The complaint

Mr and Mrs G have complained that Inter Partner Assistance SA ('IPA') unfairly declined their claim for seat upgrades.

What happened

Mr and Mrs G had a travel insurance policy underwritten by IPA. They travelled abroad and whilst there, Mrs G had to attend hospital following a fall.

Mr and Mrs G asked IPA whether they could upgrade their seats for their return journey and IPA said they could make a claim for an upgrade, but Mrs G would need a fit to fly certificate completed.

Mrs G obtained this from the treating consultant but when she sent this to IPA, it declined the claim on the basis that the medical evidence did not support an upgrade.

Unhappy, Mr and Mrs G complained to IPA but it maintained its stance. So they referred their complaint to the Financial Ombudsman Service.

Our investigator looked into the complaint and found that IPA hadn't declined the claim unfairly.

Mr and Mrs G disagreed, and I have summarised their comments:

- Mrs G spoke to the consultant and said she was going to ask for a seat upgrade for her return journey and the consultant said it would be very beneficial to have a flat bed seat which would take the pressure off her lumbar area.
- If an upgrade wasn't required, the consultant wouldn't have provided the note.
- The consultant told Mrs G the special inflight arrangement section of the form would cover a flat bed seat as leg rest and it must have been an oversight on her part for not filling in the reason.
- It isn't fair for IPA to dismiss the consultant's view that Mrs G needed an upgrade and it hasn't taken into account her personal circumstances, including her age and other medical conditions which impacted on her recovery.

So the case has been passed to me.

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 don't think this complaint should be upheld. I'll explain why.

- The background to this complaint is well known to both parties. And so my decision will focus on what I consider to be key. I have carefully considered everything Mr and Mrs G have said, even if I don't explicitly refer to all their comments in my decision.
- The relevant rules and industry guidelines say an insurer shouldn't unreasonably reject a claim.
- The policy confirms when additional costs for air transport will be covered. It says: "With prior authorisation of the Emergency Medical Assistance Service, the additional costs incurred...to repatriate you to your home if it is medically necessary. These expenses will be for the identical class of travel utilised on the outward journey unless the Emergency Medical Assistance Service agree otherwise..."
- Mrs G provided a fit to fly form from the treating consultant which said Mrs G couldn't use a normal aircraft seat in an upright position. But the treating consultant didn't specify why or which kind of special seating was needed. A handwritten note has been supplied which says Mrs G will need a comfortable seat but it doesn't go further than this to confirm the type of seat required such as 'lie flat'.
- In line with the policy terms, IPA is entitled to make a decision on whether a seat upgrade is medically necessary, based on the medical evidence supplied. I would expect the fit to fly form and note from the treating doctor to explain why a lie flat bed was necessary with more detail and with reference to Mrs G's age and condition, if that is what was discussed.
- Mr and Mrs G booked the business class seats anyway even though IPA said they wouldn't be covered. I can understand why they did this considering Mrs G's circumstances. But they did so after IPA told them they wouldn't be covered so I can't ask IPA to pay the cost. That is because I think there is insufficient medical evidence to show that business class seats were medically necessary.

My final decision

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G and Mr G to accept or reject my decision before 17 April 2024.

Shamaila Hussain
Ombudsman