

## **The complaint**

Mr T complains Barclays Bank UK PLC (“Barclays”) refuses to refund him for transactions on his account he says he didn’t make. Mr T also complains about the service received when making his complaint to the Barclays fraud team.

## **What happened**

Mr T says several ATM cash withdrawals from his account totalling £4035.77 were not made by him. Mr T thinks his card has been cloned and his PIN number compromised following a genuine ATM transaction in Bangkok, where he is currently living.

Barclays says the ATM would not be able to read a cloned chip and it says the evidence provided shows that these transactions were all made using Mr T’s genuine card and PIN. Barclays says the transactions in dispute did not follow the regular pattern of fraud transactions, and in conclusion it has found no evidence of fraud on Mr T’s account.

Our investigator considered this complaint and all the evidence supplied by both parties and decided not to uphold the complaint. Mr T is unhappy with this outcome, so the complaint has been passed to me to consider.

## **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.

I’d like to reassure both parties that although I may not mention every point raised, I’ve considered everything they’ve provided but limited my findings to the areas which impact the outcome of the case. No discourtesy is intended by this, it just reflects the informal nature of our service.

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.

Generally speaking, a consumer should only be responsible for transactions made from their account that they’ve authorised themselves. Mr T has said he didn’t give any permission for the transactions in dispute to be made but Barclays believes he did. My role then is to give a view on whether I think Mr T more likely than not authorised the transactions, based on the evidence I have available.

Barclays have provided evidence that the transactions in dispute were all carried out using Mr T’s card and PIN at ATMs in Bangkok, Thailand, where Mr T currently lives. Mr T’s evidence is that he has not shared his card or PIN with anyone, in fact he says he has been storing his card in a safe at home. Mr T has emphasised that he would not share his details with anyone. We asked Mr T if anyone could’ve seen his PIN when he used his card for a genuine transaction but didn’t provide any evidence to persuade me that was a possibility. No new card or PIN have been issued to Mr T since the account opened, so there is no

possibility that any intercepted post could've compromised his card and/or PIN. So, the evidence leads me to conclude that it's more likely than not Mr T made these transactions himself.

Mr T says he thinks the fraudsters cloned his card and used ultraviolet paint on an ATM to discover his PIN. I've thought about this and have considered this possibility against the other evidence supplied. But ATMs read the card's chip and not the magnetic strip (which can be cloned). And had someone used an ultraviolet light on an ATM to see which buttons were pressed during a transaction, it's likely there would be evidence of incorrect PIN attempts. I say this because the ultraviolet light would show the numbers pressed but not the order, they were pressed in. So, looking at these two unlikely scenarios together, it seems more likely that Mr T made these transactions himself.

As explained by the investigator, the disputed transactions do not follow the usual pattern we'd expect of fraud usage. The transactions took place sporadically over eight months, and some months went by without any transactions at all. I have listened to what Mr T has said about the fraudster being aware of his pension payments and account activity due to intercepted post. But as I've outlined above, I think Mr T's genuine card and PIN were used for these transactions and there is no persuasive evidence that these were compromised.

I've also looked into Mr T's complaint about the delays experienced while bringing his fraud complaint to Barclays and the difficulties he had communicating with them via email. Barclays also agreed that it could've done better and offered Mr T £100 compensation for this. I think that award is fair, so I don't think Barclays need to offer anything further.

### **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 26 March 2024.

Sienna Mahboobani  
**Ombudsman**