

The complaint

Mr A has complained about AXA Insurance UK Plc's decision to reject a claim he made under his car insurance policy.

What happened

Mr A made a claim to AXA for damage to his car following an incident with another car. After investigating the claim, AXA decided to reject it as it said the incident didn't happen as described.

Mr A was unhappy with AXA's decision and said it had caused delays. He said AXA had offered him a total loss settlement – and it was only when he challenged the amount that AXA decided to reject his claim. So he asked us to look at his complaint.

Our Investigator didn't recommend the complaint should be upheld. He thought AXA had reasonably relied on the opinion of two engineers who said the damage was inconsistent with the incident as described. He explained that even though AXA initially told Mr A it would settle his claim as a total loss, this doesn't prevent it from investigating the claim as it went on to do.

The Investigator didn't find AXA had caused unreasonable delays in investigating the claim.

Mr A doesn't agree. In summary he says the engineer reports were inconsistent. He says AXA should have obtained a data report about the airbags to clarify their concerns as to why some deployed, and the condition of other airbags in the car.

Mr A says the damage to the underside of his car which AXA say couldn't have been caused by the incident was caused by the recovery agent when they moved his car.

Mr A says AXA didn't provide evidence to support the engineer's opinions. Mr A said he offered to provide evidence from mechanics and video footage of a relative's car to contradict their evidence. He says AXA should have done more to investigate the possibility that the previous write off of his car may be a reason why there were inconsistencies in the airbag deployment and pre-existing damage.

Mr A doesn't agree AXA didn't cause undue delays – he feels it looked for reasons to avoid paying his claim.
So as Mr A doesn't agree, the case has been passed to me to decide.

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.

AXA says its decision to reject the claim is fair. It has relied on the professional opinion of two engineers who inspected Mr A's car. The third party representative provided a report following their inspection of both cars involved in the incident.

From the reports provided, the engineers say that there was significant damage to underneath Mr A's car which could not have been caused by the incident. There was significant mud and grass trapped in the underside of the car. They say the damage underneath could not have been caused by being moved by a recovery agent at low speed onto a recovery vehicle. They found the damage was most likely pre-existing from the previous incident.

The engineers found the deployment of airbags in Mr A's car was inconsistent with the impact and areas of damage being claimed for – and they said the alignment of both cars and the damage being claimed for didn't match.

If Mr A wishes to provide an independent engineer report – so, evidence of equal weight- to contradict the findings of the engineers who inspected his car, he needs to give AXA the opportunity to review any such report first.

I understand Mr A provided an explanation as to why the cars were positioned as they were in the photos provided – and he believes AXA should have carried out further tests to establish if there were faults with the airbags because of damage from the previous write off of his car.

But I think AXA has reasonably shown why it didn't meet Mr A's claim. And it is for a customer to prove their claim. In all cases, it is for the customer to ensure their car is safe and roadworthy, so any pre-existing issue with the car from a previous incident isn't something AXA needs to identify. I think the engineer's assessment with their reasons why the damage isn't consistent for the claim AXA investigated is enough.

So from the information available to AXA, I think it acted in a fair and reasonable way by relying on the professional opinion of the engineers who inspected Mr A's car.

I appreciate that Mr A feels AXA caused unreasonably delays and looked for reasons to decline his claim. AXA wanted to carry out further investigations, and in doing so this meant liaising with other parties to arrange times for Mr A's car to be inspected and provide their reports. Having put together its concerns, I think it treated Mr A fairly and as it would any other customer in the same circumstances.

I think AXA on the whole dealt with Mr A's claim in a reasonable timeframe.

My final decision

I'm sorry to disappoint Mr A. But for the reasons I've given above, my final decision is that I'm not upholding his complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 22 August 2024.

Geraldine Newbold
Ombudsman