

The complaint

Mr R complains that American Express Services Europe Limited won't refund to him the £40 that he paid to an airline.

What happened

Mr R used his American Express credit card in November 2023 to pay £40 to an airline for an upgrade on a flight. He missed the flight and took a later flight with the airline but wasn't upgraded. The airline didn't refund the £40 to him or provide the upgrade so he contacted American Express. It made a chargeback claim for the £40 but the airline provided documents and an explanation of what had happened which American Express said appeared to support the transaction. Mr R then complained to American Express so it investigated his complaint. It said that the documentation appeared to support the transaction so it didn't uphold his complaint.

Mr R wasn't satisfied with its response so complained to this service. His complaint was looked at by one of this service's investigators who, having considered everything, didn't think that it should be upheld. He said that American Express had correctly raised a chargeback claim but it was defended by the airline and he felt that it was reasonable for American Express not to have taken the claim further.

Mr R didn't agree with the investigator's recommendation and asked for his complaint to be considered by an ombudsman. He says that he didn't miss the flight intentionally but as a result of the delay of his connecting flight and no provision for an upgrade was offered for the flight that he took despite the challenging circumstances that he was facing. He says that the essence of his complaint lies in the quality of service that he received throughout this process and the seemingly inadequate handling of his case.

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.

If a consumer disputes a card payment, the card issuer may be able to make a chargeback claim to the merchant under the relevant card scheme to try to settle the dispute. There's no right for a consumer to require that a chargeback claim be made and the applicable scheme rules set out the disputes that can be considered and the time limits for making a claim. But if the right to make a chargeback claim exists under the applicable scheme rules – and if there's a reasonable prospect of success – I consider it to be good practice for a chargeback claim to be made.

Mr R contacted American Express about the issues with his flight and it made a chargeback claim to the airline. The airline said that Mr R submitted a bid online for an upgrade to his flight, his bid was accepted and then wasn't cancellable or refundable. It said that Mr R was a "no-show" for the flight and it doesn't allow refunds in that circumstance. It provided flight upgrade details, the receipt, a confirmation e-mail that was sent to Mr R and its terms and conditions for the bid.

American Express said to Mr R that the airline provided documents and an explanation of what had happened which appeared to support the transaction so it didn't take any further action on the chargeback claim. I've seen no evidence to show that Mr R provided it with any further evidence that would have caused it to be appropriate for American Express to have taken the claim any further.

Mr R says that the essence of his complaint lies in the quality of service that he received throughout this process and the seemingly inadequate handling of his case. I consider that American Express dealt with Mr R's claim correctly and as I would expect it to have done. Mr R has described the issues that he was dealing with and the reason that he wasn't able to take the flight but the airline provided him with a later flight and I'm not persuaded that it was required to provide him with an upgrade for that flight.

Mr R says that he possesses further pertinent information to contribute, but he hasn't provided that information to American Express or this service. The investigator said: *"I cannot see Mr R provided any evidence to Amex showing a refund was due"*. Mr R responded twice to the investigator's findings but he didn't provide any evidence to show that a refund was due. If Mr R had further evidence to support his claim that he hadn't already provided to this service, I consider that it would be reasonable to expect him to have provided that evidence in response to the investigator's findings.

It's clear that Mr R feels strongly that he should receive a refund of the £40, that his claim wasn't investigated properly and that he didn't receive an appropriate level of service - and I can understand his frustration that he didn't receive the upgrade that he paid for. But I'm not persuaded that there's enough evidence to show that he was entitled to a refund of the £40 in these circumstances and I consider that American Express dealt with his claim correctly.

I appreciate that this will be disappointing for Mr R, but I find that it wouldn't be fair or reasonable for me to require American Express to refund to Mr R the £40 that he paid to the airline or to take any other action in response to his complaint.

My final decision

My decision is that I don't uphold Mr R's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 4 December 2024.

Jarrold Hastings
Ombudsman