

## **The complaint**

Mr B complains about how Amtrust Europe Limited (“Amtrust”) settled a claim under his cosmetic damage repair policy. When I mention Amtrust I also mean its suppliers and repairers.

## **What happened**

Mr B had a policy from Amtrust that pays for repairs to cosmetic damage to his car.

He made claims from Amtrust to repair three areas of damage to his car.

He made two complaints. Amtrust issued him with its final response to the first of these in June 2023, which was about the service he’d had from one of its repairers. Mr B brought that complaint to this service, but it’d gone beyond six months after the final response and so was out of time.

This complaint can only deal with the issues raised in the second complaint, in July 2023.

Amtrust sent out a different technician, who said that they couldn’t repair any of the three areas of damage as they would each need more than four hours’ work and this was more than the policy would allow. Amtrust offered Mr B £25 compensation and apologised for its service.

Mr B remained unhappy and brought his complaint to this service. He says Amtrust combined the three areas of damage into one claim, which would need more than four hours to fix. He asks for Amtrust to pay for his costs to fix the damage, which was over £1,100.

Our investigator looked into it and thought it wouldn’t be upheld. He thought Mr B hadn’t shown the individual areas of damage would each have taken less than four hours to repair.

Mr B didn’t agree with the view and asked for the complaint to be reviewed by an ombudsman, so it’s been passed to me to make a 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.

I’m not upholding Mr B’s complaint. I’ll explain why as I appreciate this will be a disappointment to him.

The background to Mr B’s complaint is relatively complex, and as I mention above, the rules of this service mean that I can’t look into the first complaint he made.

I will mention that the damage Mr B claimed for was similar, in his view, to damage he’d previously had repaired by Amtrust near the end of 2021. So I can understand Mr B’s disappointment with Amtrust’s refusal of his complaint.

However, I need to make it clear that we're not able to assess damage at this service. Our role is to look at a claim and assess whether Amtrust acted fairly in how it dealt with Mr B and whether it reasonably rejected his claim.

We rely on reports or evidence in situations like this, and it's important I say that it's Mr B's responsibility to provide evidence that his claim is covered.

I do appreciate that the damage may superficially resemble damage he's had repaired before, but that doesn't prove Amtrust needs to repair the damage he claimed for in July 2023.

I can see from the file that Amtrust assessed the damage to Mr B's car. In July 2023 it said:

*"Note: working declines report received for all three repairs on the driver side OSR door OSF door OSF wing \*\*\*whole side of this car was repaired under [previous repair in 2022].*

*tech has been out decline code 9 Bodywork - the repair is estimated to take longer than 4 hours to repair. all three claims rejected also looks like a poor repair"*

I've looked carefully through the file of evidence I've been supplied and it's clear to me that Amtrust dealt with Mr B's damage as three separate claims. I can see from the file that two technicians came out in 2023 to look at the damage, following Mr B's earlier complaint. And it seems to me that both repairers dealt with the claim as three events and both said each area of damage would take over the four hours allowed to repair each of them.

Mr B has provided extensive background information about his claims, and previously made claims, and he maintains that Amtrust joined all three claims into one job, and it was the length of this job that went over four hours.

But I'm afraid he's not supplied evidence of this being the case. Looking further into Amtrust's notes seems to show that the reason for it declining his claim was the work taking longer than four hours, and it seems to me, previously poorly done work.

I can see Mr B says that the areas in question hadn't been worked on before, but again I can't see a report or evidence that was the case.

What this means that, on balance, I need to consider Amtrust's repairers' evidence as taking precedence over his and it follows I must say I think Amtrust acted fairly in declining his claims.

### **My final decision**

It's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 9 September 2024.

Richard Sowden  
**Ombudsman**