

The complaint

Mr E complains that American Express Services Europe Limited won't refund to him the money that he paid to an online retailer for some goods and about the way that it's dealt with his chargeback claims.

What happened

Mr E used his American Express credit card in March 2024 to pay £25.25 for a coach ticket for a friend. There were issues with his friend using the ticket so Mr E claimed a refund of £25.25 from American Express. American Express asked him to provide supporting documentation about the payment but £25.25 was refunded to his account in April 2024.

Mr E also used his American Express credit card in March 2024 to pay £30.94 to an online retailer for some goods. The goods weren't suitable so he returned them to the online retailer and it agreed to refund £31.59 to him. Mr E says that he didn't receive the refund so he claimed a refund of £30.94 from American Express. American Express asked him to provide a copy of the credit note or refund confirmation. Mr E sent a screenshot of a message from the online retailer about the refund but American Express says that it didn't receive it so it closed its investigation.

Mr E complained to American Express about the two payments but it said that it had been unable to determine any error by it. It asked Mr E to provide the requested information, for its team to pursue the matter further. Mr E wasn't satisfied with its response so he complained to this service.

His complaint was looked at by one of this service's investigators who, having considered everything, didn't recommend that it should be upheld. She said that American Express had asked for relevant information and documentation that would be needed and she hadn't found an error as it didn't receive the requested evidence.

Mr E didn't accept the investigator's recommendation and asked for his complaint to be considered by an ombudsman. He says that he sent the requested information to American Express.

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. 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.

M E raised a dispute with American Express in March 2024 about the payment of £25.25 that he'd made for a coach ticket. American Express responded to the dispute later that month and said that the information that Mr E had sent to it wasn't sufficient. It specified additional information that it required and said that it had tried to call him about that information but, as it hadn't been able to connect with him, it had closed its investigation.

Its response also said: *"If you would like us to reopen the investigation, please send us requested documents and we will investigate the issue immediately for you"*. I consider that it was fair and reasonable for American Express to ask Mr E to provide further information about the dispute and, in the absence of that information, to close its investigation and not make a chargeback claim for the disputed payment. I've seen no evidence to show that Mr E provided any further information to American Express and he received a refund of £25.25 in April 2024.

Mr E raised a disputed transaction with American Express in March 2024 about the payment of £30.94 that he'd made to the online retailer and he said that he'd returned the goods. American Express asked him to provide a copy of the credit note or refund confirmation. Mr E replied to American Express by email with a screenshot from the online retailer which said that it had issued £31.59 to his credit.

American Express said in May 2024 that it hadn't received the requested information and that it was unable to proceed without further information. It said: *"If you can provide the information that we previously requested, we can reopen the investigation"*. Mr E then complained to American Express and it said that it hadn't received any information from him and asked him to provide the requested information for its team to pursue the matter further. I've seen no evidence to show that Mr E then provided a copy of the credit note or refund confirmation to American Express.

I've looked at the screenshot from the online retailer that Mr E has provided in response to the investigator's recommendation and which he says that he emailed to American Express. It says: *"We have issued £31.59 to your credit. Typically, it takes within 3 minutes for the credit to be available in your ... credit balance [with the online retailer]"*. So if American Express had received that screenshot, I consider it to be more likely than not that it would have identified that the credit had been made to Mr E's credit balance with the online retailer. I don't consider that it would then have been fair or reasonable for Mr E to have expected it to have made a chargeback claim without further evidence to show that the online retailer had acted incorrectly.

I'm not persuaded that there's enough evidence to show that American Express has acted incorrectly in connection with either of the disputed payments or that the service that it provided to Mr E was unacceptable. I find that it wouldn't be fair or reasonable in these

circumstances for me to require American Express to refund any payments to Mr E or to take any other action in response to his complaint.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 27 February 2025.

Jarrold Hastings
Ombudsman