

## **The complaint**

Miss P complains that Assurant General Insurance Limited mishandled her claim on a mobile phone insurance policy.

## **What happened**

Miss P had a mobile phone insured on a policy under which Assurant was responsible for dealing with any claim. The policy covered repair or replacement of any damaged phone.

On 29 June 2024, Miss P reported that an accident had damaged the phone's screen. Assurant accepted the claim. Miss P paid the excess.

Much of the complaint is about acts, omissions or communications of the repairer for Assurant. Insofar as I hold it responsible for them, I may refer to them as acts, omissions or communications of Assurant.

On 3 July 2024, Assurant received Miss P's mobile phone. Assurant says that it repaired the phone and sent it back by courier to Miss P on 8 July 2024.

On 9 July 2024, Miss P complained to Assurant that she had received an empty box and not her phone.

By a final response dated 18 July 2024, Assurant turned down the complaint.

Miss P brought her complaint to us later in July 2024. She asked us to direct Assurant to return or replace her mobile phone.

Our investigator didn't recommend that the complaint should be upheld. He thought that the evidence currently available indicated that Assurant repaired the phone and sent it back to Miss P.

Miss P disagreed with the investigator's opinion. She asked for an ombudsman to review the complaint.

## **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.

Assurant and its repairer are in the business of repairing and returning phones. In the ordinary course of events, I would expect them to do so promptly and fairly.

Assurant's repair note asks customers not to send it any accessories including the original box, because it will discard anything received other than the phone. Assurant has told us that, when it receives a phone, it destroys all packaging received with it.

Assurant says that, after repair, it puts the phone in a box branded with the name Assurant and securely seals it. Assurant then puts the box in the outer packaging, which is then sealed with tamper-proof tape. Assurant then attaches the labelling and despatches the package.

Assurant says that during this packing process, several people handle the box and have an opportunity to notice if it were light in weight.

Miss P said that on 9 July 2024, her partner accepted the parcel from the courier, noticed it was light, and so opened the outer packaging and the original box which had been sealed, but contained no phone. By that time the courier had gone.

On 11 July 2024, Assurant's repairer said it had sent the phone back.

On 12 July 2024, Miss P called Assurant and described the package that the courier had delivered. Miss P sent Assurant photos of the package.

The photos I've seen show the outer packaging, but not clearly enough to see the weight of the package. The photos show a box branded with the name of the phone manufacturer. I haven't seen any signs of a seal on the box. In any event, I find it unlikely that Assurant sent Miss P that box, rather than one of its own.

On 16 July 2024, the courier said it had delivered the package and didn't have the phone.

Weighing all this up, I find it more likely than not that Assurant repaired the phone and sent it back by courier who left it with Miss P's partner. I cannot say what happened to the phone after that. However, I don't find it fair and reasonable to direct Assurant to replace the phone or to do any more in response to this complaint.

### **My final decision**

For the reasons I've explained, my final decision is that I don't uphold this complaint. I don't direct Assurant General Insurance Limited to do any more in response to this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 10 March 2025.

Christopher Gilbert  
**Ombudsman**