

## **The complaint**

E, a limited company, complains that AMERICAN EXPRESS SERVICES EUROPE LIMITED (AmEx) is incorrectly reporting the date its charge card account was defaulted to credit reference agencies.

Reference to both parties includes their representatives.

## **What happened**

E held a charge card account with AmEx which defaulted in June 2020 with an outstanding balance of around £18,800. Since then, E has made token payments on the account. In 2024, E applied for a loan with a different lender (who I'll refer to as 'C'). C declined E's application and said this was due to a default. It said the default was reporting as being registered in October 2024 – and later January 2025 – rather than June 2020. It said it would reconsider E's application once the default was removed.

E's director was concerned that the default was being reported incorrectly and contacted both AmEx and a credit reference agency (CRA) to query this. AmEx said it was correctly reporting the default as being applied in June 2020 and made its own enquiries with the CRAs. It said that if any CRA was reporting a different date, it wasn't due to an error it had made.

Because the matter couldn't be resolved, E referred a complaint to this service. E provided a copy of its credit report as well as screenshots from its application with C showing a discrepancy in the default date. E's director said the situation had a significant personal impact on him, as not being able to obtain credit has prevented him from making decisions about the company.

One of our Investigators considered the complaint but didn't uphold it. Although both parties had provided conflicting evidence, our Investigator was satisfied on the balance of probabilities that AmEx was reporting the correct default date. They said there may be a problem with the way the data was being displayed to E's lender, but they didn't think AmEx was responsible for that.

E disagreed and provided additional comments and evidence from its lender. E said the default date being reported had changed multiple times, and seemed to reflect the date payments were being made on the account rather than the date the account originally defaulted. E was concerned that AmEx might be reporting a second default. E asked for the complaint to be referred to an Ombudsman for a final decision. So, it's been passed to me to decide.

In this decision, I've considered E's concerns about the date of the default being reported by AmEx. E has previously raised a complaint about AmEx's decision to register a default. I haven't considered that issue so won't comment on it here.

## **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 I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome. Where evidence is incomplete or contradictory – as it is in this case, I've reached my view on the balance of probabilities – what I think is more likely than not to have happened given the available evidence and wider circumstances.

E's director has referred to the personal impact the situation has had on him. I need to make clear that the complaint I've considered is the one made by E – a limited company. E's director is a separate entity to E. While E's director has referred the complaint on E's behalf, I cannot consider any losses he's incurred in his personal capacity. So, if I believed AmEx had made an error, I'd be considering the impact of that error on E – rather than its director.

It's not in dispute that E's charge card account defaulted in June 2020. Both parties have provided conflicting evidence to demonstrate how the default is being reported. I've considered – based on the available evidence – whether AmEx has demonstrated that it's reported the default correctly. AmEx is required to report true and accurate information to CRAs. As long as the information it reports is accurate, AmEx isn't responsible for the way CRAs or lenders interpret it. Where information is being reported inaccurately, I'd expect AmEx to take reasonable steps to make sure any discrepancies are corrected.

I first note that regardless of the date being reported, the default itself should still appear on E's credit file and be visible to lenders. E's account defaulted in June 2020 – and will remain on its credit file for six years from that date. So even if AmEx reported the date of the default incorrectly, I wouldn't be requiring it to remove the default entirely.

I've seen the email from C, stating that it was unable to approve E's loan application due to an outstanding default on its credit file – which was (at the time) reported as being registered in January 2025. C said it would reconsider the matter if the default was removed. It provided two screenshots taken from its system showing the details of E's defaulted account. These show a default date of October 2024, which later changed to January 2025.

E has also provided a copy of its credit file from a CRA, dated December 2024. This shows that the account is defaulted and last updated on 31 October 2024. It doesn't include the date the default was registered – but the status code shows that the account had been in a state of default for a minimum of eight months at the time. The information in this report appears to be correct and doesn't state that the account defaulted in October 2024 or any other date. E also provided two emails from the same CRA. These emails state that the defaulted account was updated in October 2024 when the balance changed. They don't state that the default date being reported had changed – only that it updated the entry when the balance changed.

AmEx has provided comments from its collection agency and credit team stating that the default date being reported is June 2020. It says there are no records to suggest a second default or that the default date was changed at any point. It contacted two CRAs as part of its investigation. Both CRAs responded in January 2025 – stating that E's account was correctly reporting as defaulted in June 2020. Neither CRA suggested in their correspondence with AmEx that the date of the default had changed or that a second default had been reported.

AmEx hasn't provided contemporaneous evidence from its systems showing the date of the default being reported – so I've considered what's more likely based on the evidence I've

seen. Based on the available evidence, I'm not persuaded – on the balance of probabilities - that AmEx has made an error here. Although I haven't seen evidence from AmEx's systems, two CRAs have independently verified that the account is reporting correctly. And the credit file provided by E also appears to be correct – even if it doesn't include the date of the default. I think this is enough to say that the default is being reported by AmEx as it should be.

E has suggested that AmEx might have reported a second default in connection with the account. All of the evidence I've seen - including E's credit file and the details provided by its lender - shows only one default being reported. So, I'm not persuaded that a second default was registered by AmEx.

It's not entirely clear why E's lender received information to suggest the default was applied recently. It appears that the date the account was last updated – rather than the date it was defaulted – has been provided as the default date. While this is incorrect, I haven't seen evidence to persuade me that this is due to an error made by AmEx. If E is concerned that CRAs have supplied inaccurate information to its lender it would need to contact them directly about that. AmEx has also confirmed the correct default date in writing – which E can present to lenders to demonstrate that the default wasn't applied recently, if it chooses to.

E is concerned that AmEx may have carried out a credit search without E's consent when carrying out its investigations. However, I can see from the records AmEx has provided that it made internal enquiries to check the date being reported and contacted the relevant CRAs to verify that it was reflecting correctly on their records. I haven't seen anything to suggest AmEx carried out a full search of E's credit file.

Based on the evidence I've seen, I'm not satisfied – on balance – that AmEx has made an error or treated E unfairly in the way it reported the default on its account. So, I don't require it to do anything more to resolve things for E.

### **My final decision**

My final decision is that I don't uphold E's complaint about AMERICAN EXPRESS SERVICES EUROPE LIMITED.

Under the rules of the Financial Ombudsman Service, I'm required to ask E to accept or reject my decision before 25 July 2025.

Stephen Billings  
**Ombudsman**