

The complaint

Mrs K is unhappy that Assurant General Insurance Limited (“AGI”) declined her claim for theft of her mobile phone.

What happened

The background to this complaint is well-known to both parties, so I’ve summarised what I think are the key events.

Mrs K had mobile phone insurance, underwritten by AGI, as a benefit of her bank account. She made a claim under the policy after her phone was stolen from her hand on her way to work. When she provided AGI with details of the phone, Mrs K provided information about the device’s SIM.

AGI assessed the claim. Because there was no evidence of SIM usage in the phone, AGI declined the claim under the policy exclusion of providing false information.

Mrs K realised she’d mistakenly given incorrect SIM details, and she contacted AGI soon after to correct her mistake. AGI maintained its decision to decline the claim for the same reasons it had already given. Mrs K complained to AGI, and it issued a final response confirming that, *“If false or inaccurate information or documentation is provided and fraud is identified, then we may: • Reject the claim and we may cancel your policy. If an excess has been paid this will be returned.”*

When Mrs K brought her complaint to us, our investigator didn’t think AGI had treated her fairly. She said AGI didn’t give Mrs K sufficient opportunity to obtain relevant information and she thought AGI ought to have investigated the claim again when Mrs K did provide the correct SIM details. Our investigator thought AGI should reconsider Mrs K’s claim.

AGI didn’t agree. It said Mrs K had given false information, despite repeated opportunities during her claim call to provide accurate information. Therefore, AGI remained of the opinion that it had declined her claim appropriately under the policy terms and conditions. AGI asked for an ombudsman’s 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.

Having done so, I’ve decided to uphold Mrs K’s complaint for broadly the same reasons as our investigator.

The relevant regulator’s rules say that insurers must handle claims promptly and fairly. And that they mustn’t turn down claims unreasonably. I’ve considered the evidence to decide whether AGI turned down Mrs K’s claim reasonably in the circumstances.

The key issue here is that Mrs K gave incorrect details about the SIM that had been used in

her phone when it was stolen. On identifying that the SIM had never been used in the phone, AGI declined the claim. I think the following points are worth noting:

- The purchase invoice shows Mrs K bought the phone on 30 September 2024. The EMEI number is the same as that for the phone which she reported stolen. The phone number attached to the SIM shown on the invoice for this phone purchase ends in 652.
- As I understand it, AGI investigated the claim using the SIM with phone number ending 485 and found no usage in the phone Mrs K reported stolen.

Based on this evidence, it seems plausible that Mrs K simply gave the wrong phone number, and therefore the wrong SIM, when she reported the theft. That's because the SIM AGI investigated isn't associated with the phone Mrs K bought and reported as stolen.

It's clear that Mrs K gave incorrect information. But the evidence doesn't persuade me that AGI declined her claim reasonably. AGI relied on the fraud condition of the policy but, on the face of it, Mrs K's incorrect information could be a simple mistake. AGI hasn't shown that Mrs K was trying to benefit from the policy in a way which she wasn't entitled to. And, having listened to the claim call, it seems that Mrs K didn't understand everything asked of her. I think that was also clear to AGI when asking the questions.

So, given the evidence, I think it's fair and reasonable that AGI reconsiders Mrs K's claim.

To be clear, in reaching this decision, I haven't concluded that AGI must accept the claim. It is entitled to investigate the theft claim based on the correct information in the same way as it did with the original information. I find that AGI's shortfall, here, was not affording Mrs K the benefit of further investigation into her claim once she identified her mistake and gave the correct information.

My final decision

For the reasons I've given, my final decision is that I uphold Mrs K's complaint and Assurant General Insurance Limited must:

- reconsider Mrs K's claim in line with the terms and conditions of the policy, using the correct SIM details.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K to accept or reject my decision before 28 May 2025.

Debra Vaughan

Ombudsman