

The complaint

Mr W complains that Capital One (Europe) plc are pursuing him for a credit card debt that he says he's had no involvement in.

What happened

The detailed background to this complaint is well known to both parties. So, I'll only provide an overview of some of the key events here. In May 2024 Capital One received an application for a credit card in Mr W's name. The application was approved and Capital One say the card and PIN were sent to the same address that Mr W has provided to our service.

On 20 May 2024 Capital One say they received a phone call from the landline phone number that Mr W has shared with our service. The purpose of the call was to activate the credit card and the caller shared certain details from the physical card to complete the activation process. In July 2024 the card was used for a £200 cash withdrawal. No payments were made towards the account and Capital One say that on 5 November 2024, they received a call from the same mobile number provided during the application process. The caller said that they'd never applied for the card and Capital One Investigated.

On 8 November 2024 Capital One wrote to Mr W and said they didn't accept his claim of fraud. Mr W responded by letter to reiterate his position and asking that Capital One sort things out or take him to court.

Ultimately, Mr W complained and when Capital One maintained their position the matter was referred to our service. One of our Investigators didn't recommend that the complaint should be upheld. In summary, she wasn't persuaded that Capital One had treated Mr W unfairly. As Mr W didn't accept this outcome, the complaint has been passed to me to decide.

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 reached the same outcome as our Investigator and for broadly the same reasons. I know this will be disappointing for Mr W, so I'll explain why.

Firstly, I know Mr W feels strongly about his complaint and he feels that either Capital One or our service should be required to strictly prove that he applied for the credit card. That isn't the basis upon which our service works. We're intended as an informal alternative to the courts to (where our jurisdiction applies) resolve complaints between customers and regulated financial businesses. In this case, the crux of Mr W's complaint is that he says he didn't apply for or use the credit card and so he doesn't think Capital One should pursue him for any outstanding balance. My role is to decide whether I think Capital One have acted fairly and reasonably in all the circumstances, not to prove with absolute certainty what has happened.

Clearly, I wasn't present when the card application was made. And I acknowledge that I can never be 100% sure who made the application or used the card for the withdrawal. So, I must make my decision based on the available evidence and in line with what I think is more likely than not.

In the circumstances of this case, I'm more persuaded by the evidence from Capital One than I am by Mr W's testimony. I accept that the card and PIN would've been dispatched to the address provided during the application. And this address is the same as what our service has been using when writing to Mr W. Also, I accept Capital One's evidence that the card activation call came from Mr W's landline number. I'm also satisfied that the caller had physical possession of the card (as details were shared from it to complete the process).

I'm aware that phone numbers can be 'spoofed', that is a caller can appear to be calling from a different number to the one they are actually using. But I don't think that is the most likely explanation here. Particularly when the card details were shared during the call, which in my opinion further supports that the call came from Mr W's address as that is where the card was sent to. Our Investigator asked Mr W if he lived alone and he confirmed he did, which goes some way towards mitigating the risk of there being a third party involved. The card and PIN likely would've been sent on different days, and it would've required someone to have had access to Mr W's post on more than one occasion and most likely physical access to his house to use his landline to activate it. I note Mr W's point that he has had problems with his post, but that wouldn't explain access to his home phone. Within the activation call, the caller also queried how repayments could be made, this would seem to be an unusual question for a dishonest person looking to use a card in someone else's name.

I also agree with our Investigator that the delay between the card being activated and used (around 7 weeks) isn't typical of what is seen in cases of impersonation. There would always be the risk of communication between the parties that would alert a victim to the existence of a card (meaning it could then be blocked). So typically a fraudster will seek to quickly maximise their benefit and not wait a number of weeks as was the case here.

I acknowledge Mr W's point that he has put time and effort into pursuing his complaint (including spending money on stamps for all the letters he's written). And he says he would be unlikely to do so if he were really responsible for the card. I've taken account of this and understand the point that is being made, but I'm placing less weight on this than the other evidence from Capital One which I find more persuasive.

Mr W has also suggested it wasn't him who called to report the card as fraudulent (using the same mobile number that was provided in the application process). I find it implausible that a third party would call to make such an allegation with there being no obvious reason for them to do so. I don't think it's unreasonable for Capital One to conclude that the caller was more likely than not Mr W.

Ultimately, when Capital One considered Mr W's allegation, the evidence they had included that the card and PIN was sent to his address, the activation call most likely came from his landline phone number and the call to make the allegation used the same number that was provided during the application process. Based on this, I don't think the conclusion they reached, specifically to hold Mr W responsible for the card and spending, was unreasonable. It follows that I don't think they've treated Mr W unfairly and there isn't a reasonable basis upon which I can require them to do more to resolve this complaint.

I'd like to remind Mr W that if he doesn't accept my decision, then it won't be binding on him nor Capital One. He will then be free to continue his dispute through other means, such as

the courts, should he choose to do so. If this is something Mr W is considering, I'd recommend that he obtains independent legal advice before incurring costs.

My final decision

For the reasons outlined above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 4 December 2025.

Richard Annandale
Ombudsman