

## **The complaint**

Miss R has complained about Astrenska Insurance Limited. She isn't happy about the way it dealt with a claim under her motor breakdown insurance policy.

Any reference to Astrenska includes any agents that it is responsible for unless specified.

## **What happened**

I looked at this case and provided my initial thoughts in my provisional decision as follows;

*Miss R made a claim under her motor breakdown insurance policy after she had a breakdown in her car. Astrenska's agent turned out and transported her car to the garage. But it turned out that Miss R's car had a fuel starvation issue and had run out of fuel and so Miss R complained to Astrenska about this as she felt that it should have been aware of this and advised her at the side of the road.*

*Astrenska looked into things for her, but it felt that it had acted fairly and in line with the policy terms and conditions in recovering her vehicle after identifying a fuel starvation issue. As Miss R remained unhappy, she complained to this Service. She felt it should have been identified that she had run out of fuel at the side of the road which would have meant she didn't have to pay her garage £200 to fix the problem.*

*Our investigator looked into things for Miss R and he upheld her complaint. He thought that Astrenska's roadside technician should have identified the problem at the side of the road and so he thought it should refund the £200 costs she had to pay the repairing garage.*

*As Astrenska didn't agree the matter has been passed to me to review.*

## **What I've provisionally 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 don't think that this complaint should be upheld. I know this will come as a disappointment to Miss R, but I 'll explain why.*

*I do understand Miss R's frustration here and ideally the roadside technician would have identified what the problem was at the roadside. However, I wouldn't expect roadside technicians to have the same level of equipment as a garage and it is of note here that the garage didn't identify the issue easily as it charged over £200 to diagnose the problem. And if it was easy to identify the problem I wouldn't expect the cost to be so high.*

*Given this I can't hold Astrenska at fault here. Its agent identified a fuel starvation problem and I wouldn't expect them to have all the necessary equipment on the recovery vehicle to identify more than this if the issue wasn't straightforward as is clearly the case here. I understand that Miss R drove the vehicle and it started to judder before stopping and struggling to restart. I would also expect a consumer to have a general understanding here if*

*their car was running low on petrol which would have assisted the technician at the side of the road and the garage at a later stage.*

*So, while I have some sympathy for the position Miss R has found herself, I don't think Astrenska acted unreasonably here in turning out and recovering her vehicle as it had an unidentified fuel starvation problem that cost over £200 to diagnose by a garage.*

## **Replies**

Both sides responded. Astrenska said it accepted the provisional decision while Miss R explained that she didn't agree with the position outlined. She said the issue the garage dealt with wasn't complex and explained that the dealership garage simply charged a standard diagnostic charge plus a charge for fuel, although she accepted the charge was high which is why she made this complaint.

Miss R also explained she purchased the policy under the general expectation that if her vehicle failed due to loss of fuel she would receive assistance as the policy clearly includes fuel related issues. Miss R outlined that this wasn't her fault or the dealerships and felt this was exactly the kind of situation where the policy should protect her. And she went on to say that if Astrenska's agent wasn't able to diagnose fuel-related breakdowns on-site then this should be clearly communicated at the time of the incident, and she maintained her complaint should be upheld.

## **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 remain of the view that the complaint should not be upheld. Although I can understand Miss R's frustration and I accept ideally that the fact her car had ran out of fuel when she had broken down would have been identified at the side of the road, but I don't think Astrenska did anything wrong here. I'll explain why.

When Miss R called for help following a breakdown Astrenska's agent attended Miss R. It is a shame that the fact her car had ran out of fuel wasn't diagnosed when its agent identified a fuel starvation problem. I take Miss R's general point that her repairing garage just charged a high standard diagnostic charge no matter what the problem is and so she feels this wasn't a complex issue. But it clearly had to use equipment to diagnose the problem to get to the bottom of the fuel starvation problem and I can't hold Astrenska responsible for the high charge.

However, if someone ran out of fuel I would expect them to have a general idea that this was a possible cause of the breakdown. And to relay that to the attending technician and, in this instance, at a later stage to the repairing garage which would have allowed a more straightforward diagnosis.

I'm sure the fact that the repairing garage and the technician didn't identify the car had run out of fuel quickly and easily stemmed from this and it is clear that the issue wasn't straightforward as the garage would have just added fuel. Indeed, Astrenska has incurred a far greater cost here in transporting Miss R's car as opposed to just topping up fuel and it wouldn't choose to do this lightly given the significant costs and time involved in transporting the car.

Given all of this I remain of the view that Astrenska acted fairly here. It sent an agent to Miss R who identified a fuel starvation problem and transported Miss R to her chosen garage so

she wasn't left stranded, and her car could be repaired. Miss R didn't identify that she thought her car was low on fuel or had run out of fuel, just that her car had juddered before stopping and then struggling to restart. And clearly both her repairing garage and the roadside technician couldn't identify the cause easily so I can't say Astrenska has acted unreasonably here.

### **My final decision**

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 4 June 2025.

Colin Keegan  
**Ombudsman**