DRN-5746345

Financial Ombudsman Service

The complaint

Mr P complains that Assurant General Insurance Limited haven't provided him with a like for like replacement phone under the terms of his policy.

What happened

Mr P contacted Assurant about a claim for a damaged phone in November 2024.

Mr P's phone was a Samsung S23 ultra model SM-918B/DS with a dual SIM slot, which was important to him as he travelled abroad a lot, including to some countries where he needed that facility.

The repair agent said that they would be unable to repair the phone and agreed to a replacement as a doorstep exchange.

After accepting delivery of the new phone, Mr P discovered a fault with the phone, and a further exchange was arranged. Mr P says he made it clear he needed a dual SIM phone. After delivery of the second replacement Mr P discovered it didn't have a dual SIM slot and so wasn't usable to him abroad. He wanted either a dual SIM slot model, or for his original phone to be returned along with his excess.

Mr P complained and Assurant rejected the complaint and so he brought his complaint to us. One of our investigators has looked into Mr P's complaint. She thought that Assurant should provide a further replacement with dual SIM slots.

Assurant were unhappy with this as they think they have provided a replacement under the terms of the policy, and so the matter came to me to decide.

I issued a provisional decision on the complaint. My provisional findings were as follows:

I have thought about whether Assurant have properly and fairly applied the terms of the policy and having done so, I'm currently minded not to uphold this complaint. I'll explain why.

The policy document states:

"If your mobile phone is damaged or breaks down we will either:

1. *Repair the mobile phone (where possible) , or*
2. *Replace it with a mobile phone of the same make, model and memory size. If we cannot do this you will be given a choice of models with an equivalent specification."*

Assurant say that they complied with these terms as they have provided Mr P with a phone of the same make, model and memory size.

I agree with Assurant here as the replacement phone is the same make model and memory size.

However, Mr P says that this hasn't put him back in the position he was in before the phone broke, as the replacement doesn't give him the same functionality for swapping SIMs and that was the reason he bought that phone.

Mr P says that his business requires him to travel to Thailand and India a few times a year. He has two physical SIMs, - a personal one and a UK business one in his phone, and when he arrives abroad, he removes his personal SIM and uses the country specific SIM alongside his UK business SIM which is usable over WiFi.

Assurant say that they have provided Mr P with the same make and model of phone, and that it has a dual SIM function, with one eSIM and one slot, and is a like for like replacement.

However, Mr P has told us that doesn't work for him as he has to use a physical SIM abroad as the abroad networks don't all support eSIM and so would have to remove his UK business SIM to use it – meaning he can't operate the two business at the same time.

I've thought about this, and looked at the facilities that the replacement phone offers to see whether it in any way disadvantages Mr P when he is abroad or whether he still has the same functionality as with two slots.

The Samsung S23 does come in two versions - a dual slot, and a version that has one eSIM and one slot. The eSIM version allows a number of profiles to be stored, but you can only actually operate one eSIM at a time alongside one physical SIM.

Mr P says when he is abroad he removes his personal SIM and uses the two business SIMS. So, if he were to swap his UK business line to eSIM, he could interchange his personal SIM and abroad business SIM in the same way as he did previously. This would give him the same functionality of being able to use both business accounts whilst abroad, but with the option to swap out the abroad business SIM for his personal SIM if he needed to.

It also means that when he returns to the UK, he can operate his UK business SIM and personal SIM in the phone as he did previously.

I appreciate that Mr P may not want to change his UK business account to an eSIM, but for the reasons above, I can't fairly say that Assurant haven't provided him with a phone which can be used in the same way as the one it is replacing, and so I'm satisfied that Assurant have acted fairly and in line with the terms of the policy.

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 haven't responded to my provisional decision, but Mr P has. He disagrees with my findings. He says that the model of phone is not the same as it is a distinct version, being the dual slot version. However, as I have already explained, I'm satisfied that the phone is the same make, mode and memory size, which is what the policy requires.

In terms of whether it is reasonable to replace the dual slot with esim, Mr P says this places an unreasonable burden on him to switch to an esim. I don't agree. Mr P doesn't remove his UK business sim when he goes abroad, and so it makes no difference whether it is an esim or a physical sim. I've explained above how the phone offers the same functionality as his current one, and so I can't say that the replacement phone is an unreasonable one

And so for the reasons above, I’m making my final decision in line with my provisional findings.

My final decision

My decision is that I’m not upholding Mr P’s complaint, and so Assurant General Insurance Limited don’t need to do anything further.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr P to accept or reject my decision before 8 September 2025.

Joanne Ward
Ombudsman