

## **The complaint**

Miss A complains that Rightcard Payment Services Limited trading as Lemfi ('Lemfi') won't refund money she says she lost to a scam.

A family member is representing Miss A, however, to keep things simple, I will refer to Miss A throughout my decision.

## **What happened**

The details of the complaint are well known to both parties, so I will not repeat them again here. Instead, I will focus on giving the reasons for my 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 agree with the Investigator's findings for broadly the same reasons. I will explain why.

Where the evidence is incomplete, inconclusive, or contradictory, I must make my decision on the balance of probability – that is what I consider is more likely than not to have happened in the light of the available evidence and the wider surrounding circumstances.

In line with the Payment Services Regulations 2017, consumers are generally liable for payments they authorise. Lemfi are expected to process authorised payment instructions without undue delay. But Lemfi also have long-standing obligations to help protect customers from financial harm from fraud and scams. Those obligations are however predicated on there having been a fraud or scam. And so, it would only be reasonable for me to consider whether Lemfi is responsible for the loss Miss A claims to have suffered if, indeed, she has been scammed. I've therefore considered whether Miss A was a victim of a scam.

From what's been provided, I can't see anything to show that Miss A made the payments from her Lemfi account specifically for the investment scam she says she fell victim to. She has provided information which shows she made the payments, but she's not been able to supply evidence to show how the funds were lost to the scammers.

And while I don't dispute Miss A's version of events, our service has asked her to provide further evidence, which hasn't been provided. I want to highlight at this stage I haven't overlooked the challenges Miss A has faced in obtaining certain evidence. However, given the circumstances of this complaint and how the scam evolved, I don't think it is unreasonable that Miss A would be able to provide evidence of the loss as a result of a scam. I've considered Miss A's testimony and the limited information she has provided and while I can only be satisfied that she made the transactions from her account, I can't be satisfied that the beneficiary of the funds was the scammer. Ultimately, I haven't seen anything to specifically show that the transactions in question were carried out in relation to

a scam.

As I have explained above, even if I were to be satisfied Miss A had fallen victim to a scam, I'm unable to establish the actual loss she claims to have suffered. So, on balance, I can't be entirely satisfied Miss A fell victim to a scam she has mentioned. Nor can I be satisfied that she didn't benefit from some of the transactions – due to an absence of evidence of why they were made. And without being able to establish the loss suffered (if any), I can't fairly or reasonably direct Lemfi to refund Miss A the disputed transactions.

On balance, I can't be entirely satisfied Miss A fell victim to a scam. However, for the sake of completeness, even if I were to accept Miss A sent the payments to the scam, I don't think Lemfi would be responsible for her loss. This is because the payments were mostly low value international payments, with the first payment being £100 and the highest payment being £650, spread out over four days. While I accept that the amount of money Miss A sent is clearly significant to her, this doesn't in itself suggest a heightened risk of fraud. And it's important to note that there is a difficult balance to be struck between firms identifying payments that could potentially be fraudulent and minimising disruption of legitimate payments. As a result, I wouldn't have expected Lemfi to have carried out any additional checks before processing the payments Miss A made. So, I can't say they were responsible for the loss she has suffered.

I've also thought about whether Lemfi could have done more to recover the funds once it became aware of the situation. Lemfi has shown that once Miss E reported the scam it tried to recover the funds, in line with what we expect. However, it was told the funds had already been withdrawn so it wasn't successful. It's also important to note that international payment recoveries are completed on a best endeavours basis – meaning they aren't guaranteed, as differing laws in other jurisdictions can often hinder recovery attempts.

I have a great deal of sympathy for Miss A and the loss she says she has suffered. But it would only be fair for me to direct Lemfi to refund her loss if I thought they were responsible – and I'm not persuaded this was the case.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 16 January 2026.

Israr Ahmed  
**Ombudsman**