

## **The complaint**

Miss C has complained Capital One (Europe) plc won't refund her for five credit card transactions she didn't authorise.

## **What happened**

Miss C has held a credit card account with Capital One since September 2024. In October 2025 Miss C noticed five transactions on her account with a merchant she didn't recognise. She raised this as a complaint with Capital One.

These were five transactions with values from £100.41 to £286.90 which took place from 5 to 14 October. Capital One believed they had enough evidence to show Miss C must have authorised these transactions so wouldn't refund her.

Miss C brought her complaint to the ombudsman service.

Our investigator noted that the transactions were executed using Miss C's card details, and were verified using Miss C's mobile app on her phone which remained in her possession throughout. She also noted these transactions were spread out over a period of more than 10 days which she didn't believe looked like fraudulent behaviour.

She wasn't going to ask Capital One to do anything further.

Unhappy with this, Miss C has asked an ombudsman to consider her complaint.

## **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. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

To help me come to a decision, I've reviewed the evidence Capital One provided, which has included information about how these transactions were authenticated.

The law which is relevant to Miss C's complaint is section 83 of The Consumer Credit Act 1974. These confirm a consumer credit consumer won't be liable for the misuse of their credit facility – in this case Miss C's credit card – unless they consented to the transactions themselves or allowed another person to use their credit facility.

I believe all of these transactions were authorised by Miss C. I say this because:

- The transactions are executed using Miss C's own card details. Capital One's systems required additional authentication for all of these disputed transactions and the evidence shows this was provided within the Capital One app set up on Miss C's mobile device. There's no indication that Miss C hasn't retained possession of his mobile throughout.
- There was also an additional check carried out on 12 October for one of the transactions. Capital One sent a text message to Miss C's mobile checking whether this was a genuine transaction. Capital One received confirmation back from Miss C's mobile. I can't immediately see how this could have been done without Miss C's knowledge or consent.
- It's often not clear when we consider disputed transactions how these could fit into a fraudulent pattern. So, for example, we often look at the merchant used. It's certainly the case that in Miss C's complaint the merchant is one we often see in cases of fraudulent misuse.
- However, that finding is balanced by the timing of these transactions. There are numerous other transactions happening around the same time period of these five transactions which Miss C has not disputed. Other evidence indicates Miss C checking her mobile app around this time too. I find it surprising that it took her more than a week to report the disputed transactions. Overall based on the evidence, I won't be asking Capital One to do anything further.

I can't tell for sure whether Miss C allowed someone else to use her credit card details or made some transactions she later regretted but overall based on what I've seen, I'm satisfied she authorised these transactions.

### **My final decision**

For the reasons given, my final decision is not to uphold Miss C's complaint against Capital One (Europe) plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 3 March 2026.

Sandra Quinn  
**Ombudsman**