

The complaint

Ms M complains that Revolut Ltd ('Revolut') registered a Cifas marker against her, without due cause.

What happened

The circumstances of this complaint are well known to both parties, so I will not go into every detail of what happened here. But in summary, in 2024, Ms M received a payment into her Revolut account, which she sent on to her friend's account on the same day. This payment sender later reported that they had sent this payment as a result of a fraud. Revolut investigated the matter, and decided to close Ms M's account and refer her to Cifas who registered a marker against her for misuse of facility.

Ms M was unhappy so she complained to Revolut who declined to uphold her complaint. This was on the basis that it thought that it had met the evidential threshold for the Cifas marker to be loaded, and Ms M had failed to provide evidence which disproved her witting participation in receiving and sending on fraudulent funds.

Ms M remained dissatisfied, so she brought her complaint to our service where one of our investigators looked into what had happened. They did not recommend that Ms M's complaint should be upheld on the basis that they agreed that the evidential threshold had been met for the Cifas marker to be loaded.

Ms M did not agree, and as no agreement could be reached, the case 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.

Revolut, as Cifas members, are obligated to share the details of customers who it has reasonable grounds to believe have been involved in the commission, or attempt to commit, fraud or financial crime. There must be '*clear, relevant and rigorous*' evidence in support of any fraud submissions made by members to Cifas about their customers. The type of Cifas marker loaded against Ms M was for 'misuse of facility'. This relates to a customer's account being used to receive and send on fraudulent funds.

Cifas do accept that there are some circumstances where an individual may be duped into becoming what is known as a 'money-mule', and so its guidance does require members to speak to their customers to determine whether they were witting or not. It further requires members to have enough evidence to show that the consumer was aware that they payment they were receiving was, or might be, from an illegitimate source – though they do not need to know the exact provenance of such funds.

So, the relevant findings for me to make are whether I believe there is sufficient evidence to conclude than on balance, firstly, that the money sent to Ms M was as a result of a fraud;

and secondly that Ms M was aware that the funds he received were or might be from an illegitimate source.

On the first point, Revolut have provided the detailed fraud report from the sender's bank. The allegation that the sender made about how they were tricked into sending the funds, is in keeping with the reference on the payment Ms M received. And she is not suggesting that she was entitled to the funds – merely that she was unwitting. So, I think this element of the test has been met.

On the second point, I have carefully considered the available evidence to determine whether I think that Ms M was witting or unwitting in the receipt and sending on of the fraudulent funds.

Ms M's testimony when Revolut first spoke to her was that the money was a gift from a friend for Christmas. She later told Revolut and our service that she was struggling financially and asked her friend, who she also referred to as her 'cousin' but I will call 'D', to borrow some money for food. D told her they did not have any money but could ask to borrow some for her from another friend and then D would pay them back later. She said that she then received the payment which had the reference "bike parts" from someone she did not know. She thought the reference was strange, but did not think much more about it, as she was grateful for the money so she could buy some food. She said that she sent the funds onto another account in her own name, so that she could return them to D so that they could settle the debt with the sender. She maintains that she did not retain, spend or benefit from the funds.

Ms M said that when she found out about the Cifas and the payment it related to, she asked D about the sender and D told her she knew them directly. Ms M said she asked D for their details so that she could provide them to Revolut, but that D was not willing to cooperate. Ms M said that her story had differed at times due to confusion about which payment into which of her accounts had prompted the suspicion about fraudulent activity – and that it was not her being dishonest. She has since provided an email from D which says that Ms M was not in contact with the sender of the funds, and did not arrange the payment into her account. She said that Ms M received money from other friends and family and that is why she sent it straight back to her the same day so that she could return it to the sender. She said neither of them had reason to suspect the funds were fraudulent.

I have carefully considered whether I think that there is evidence to suggest that Ms M was an unwitting money mule in this case, as she alleges. But having reviewed the available evidence, I am unable to say this is most likely the case here. I will explain why.

- Ms M has no persuasive evidence in support of her story. I appreciate the statement sent by 'D', and the evidence of the chats which Ms M say are between the two of them after she found out about the Cifas marker. Whilst these were of interest, I have no evidence of any of the conversations which took place at the time of the transaction. Given that the transaction took place under 18 months ago, it seems strange that there is no contemporaneous evidence from the time the payment was made. And whilst the later correspondence is of interest, it only goes to prove what conversations were had and what D has written after Ms M had the Cifas marker registered against her, so I do not find it particularly persuasive.
- The explanations Ms M gave differed over time. I appreciate that she said she was stressed and confused, but it does give me some cause for concern about whether she was being honest in the first instance, or indeed now, about what happened.
- The series of events that Ms M described to our service do not appear to be very

plausible. She said she was desperate for cash, such that a friend of a friend was going to have to send her money, but she was also due to receive funds and had funds available in a savings account. Ms M also said she sent the funds back to D as she discovered that D was now in debt to this third party who required immediate repayment. It seemed that D had always said she would take on the debt for Ms M, so I am unclear as to why this then appeared to be news to Ms M. But it also seems strange that the unknown third party would be willing to lend the funds, only to then require immediate reimbursement. This does not seem entirely plausible.

- I understand Ms M said she did not benefit from the funds, but simply receiving and passing on fraudulent funds, even without any benefit, is sufficient to meet the Cifas test.
- I also understand that Ms M speaks of proportionality here, as the payment was for a low value. However, the elements of the underlying financial crime can be made out whether the payment value is low or high so this does not impact the question of whether the burden of proof was met in this case.

So, having considered all of this, I think that there is enough evidence that Ms M's account was used to receive and send on fraudulent funds, and that the evidence she has provided to Revolut and this service does not persuade me that she was unwitting in doing so. And so it follows that Revolut do not need to do anything further, and I am not upholding this complaint.

My final decision

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M to accept or reject my decision before 8 April 2026.

Katherine Jones
Ombudsman