

## **The complaint**

Mr B is unhappy that Inter Partner Assistance SA ('IPA') declined a claim made on his travel insurance policy ('the policy') after he required emergency medical treatment abroad.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. I'll 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.

In considering what's fair and reasonable in all the circumstances of the case, I've taken into account all relevant law and regulations, regulator's rules, guidance and standards, codes of practice and good industry practice at the relevant time. That includes IPA's regulatory obligation to handle insurance claims promptly and fairly. And to not unreasonably decline a claim.

I have a lot of empathy for what happened to Mr B whilst abroad. I also appreciate that IPA's decision to decline the claim has potentially caused significant financial loss. I know he will be very disappointed but, for the reasons set out below, I don't uphold his complaint.

Subject to the remaining terms and conditions, the policy does provide cover for emergency medical treatment.

The policy also contains general exclusions which apply to all sections, including (relevant to this complaint):

We will not pay for claims arising directly or indirectly from:

...Alcohol abuse...

You drinking too much alcohol or alcohol abuse where it is reasonably foreseeable that such consumption could result in an impairment of your faculties and/or judgment resulting in a claim. We do not expect you to avoid alcohol on your trips or holidays, but we will not cover any claims arising because you have drunk so much alcohol that your judgement is seriously affected and you need to make a claim as a result.

I'm satisfied that exclusion is reasonably clear and it's common for travel insurance policies to exclude claims relating to alcohol consumption.

IPA has relied on this exclusion to decline the claim. I'm satisfied it's acted fairly and reasonably by doing so. I'll explain why.

- Mr B says that his recollection of events is that he started to climb some stairs, slipped, didn't catch the handrail and fell over. The medical report provided by the treating hospital supports that he had experienced a head injury, for which he received treatment. Given that Mr B sustained a laceration to the back of the head, I'm satisfied that's consistent with Mr B falling backwards as reflected in the medical

report.

- On the balance of probabilities, I'm satisfied at the time of sustaining his injury, Mr B was heavily intoxicated and that the consumption of alcohol was the likely cause for his fall which led to him needing medical attention and incurring medical costs.
- Mr B says that he'd only had two beers that day. There isn't a toxicology report from the time, and he wasn't asked to have a breathalyser test. However, the medical reports from after he was taken to hospital refer to Mr B "evidently drinking heavily", that the emergency medical services responded and assessed him and "noted him to be conversive but apparently intoxicated". It also says that Mr B "does admit to drinking heavily". There's also reference to Mr B being "still too intoxicated for discharge and he will remain in the emergency department until his mental status is to a point where he can be safely discharged".
- The final diagnosis is reflected to be: "fall, initial encounter...Laceration of...scalp...alcohol use...alcoholic intoxication with complication".
- Mr B has noted some inaccuracies and inconsistencies in the reports. For example, the location of where he'd been drinking and that he smoked cigarettes daily (which he says isn't true). However, I don't think that detracts from the overall medical conclusions and diagnoses in the reports.
- Further, Mr B says the symptoms of a head injury can be similar to being heavily intoxicated. And his vital signs, as reflected in the medical reports, aren't consistent with him being heavily intoxicated. The statement being 'heavily intoxicated' can be subjective. However, I think it's fair to assume that medical reports would be based on the observations and experience of the medical staff treating Mr B. And they would be aware of symptoms relating to a head injury and it's been noted that he was 'heavily intoxicated'. So, I'm satisfied that IPA has acted fairly and reasonably by relying on the overall medical evidence as being an accurate and contemporaneous reflection of Mr B's condition shortly after his fall.
- Based on everything I've been provided, I'm satisfied on the balance of probabilities that the fall probably wouldn't have occurred if Mr B hadn't been 'heavily intoxicated' at the time.

### **My final decision**

I don't uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 9 April 2026.

David Curtis-Johnson  
**Ombudsman**