

## **complaint**

Mr A's complaint is that Cabot Credit Management Group Limited is asking him to pay back a debt that isn't his.

## **background**

In October 2016, Cabot bought a debt of around £8,000 in the name of Mr A from another debt collection agency. The agencies' records show that this stemmed from a bank loan taken out in 2006.

A debt repayment plan was in place via the debt charity, Step Change. But Step Change carried on sending repayments to the old agency.

When Cabot contacted Mr A about this, it emerged that they had the wrong date of birth recorded for him. Mr A then complained that the debt wasn't his.

Mr A says that the incorrect date of birth "*invalidates*" Cabot's claim. And that they have caused him embarrassment by ringing him up and then telling him he has failed their data protection checks.

## **my findings**

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'm not going to uphold it. I say this because I'm satisfied the evidence shows that it is Mr A's debt.

There's no dispute that Cabot holds the wrong date of birth for Mr A. The previous debt agency held the same date, but never had to contact Mr A. Our investigator's research has shown that this error seems to date from the original loan application. It seems likely that it was a clerical error at that time.

But just because the date of birth is wrong doesn't mean Mr A doesn't owe the money.

I've looked at all the other evidence about the debt. Mr A's full name (which is a fairly unusual one), address and phone number all match Cabot's records. Repayments of various amounts have been made on the debt for most of the time since 2006. The records of the original bank, the first debt agency and Cabot all match. Mr A hasn't claimed he didn't owe the money at any point up until the date of birth error emerged recently.

I'm also mindful that in conversation with our investigator, Mr A said he was aware of the debt with the bank.

For all these reasons, I'm satisfied that Mr A took out the loan. So I don't think Cabot has done anything wrong by chasing him for the debt. An incorrect date of birth doesn't change this.

**my final decision**

For the reasons set out above, I don't uphold Mr A's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 13 July 2017.

Louise Bardell  
**ombudsman**