

complaint

Mr H complains that he has been the victim of identity fraud and he has not made any credit applications to Capital One (Europe) plc.

background

The complaint has been brought on behalf of Mr H. His representative says that Mr H does not have the capacity to apply for any products. Despite this a number of applications had been now recorded against his name. He says that he has no responsibility for any borrowing to Capital One and that it should not be writing to his address about this.

The adjudicator did not recommend that the complaint should be upheld. She said that there was insufficient evidence to support what Mr H said. In particular there was nothing to support that he had lived at the address for 40 years as he said and no clear medical evidence.

Mr H's representative provided current credit agency reports. He said that he had been told by Mr H's doctor that he could not get medical evidence unless it was requested by this service. He also said he'd been told that a lot of the information has been lost.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I've read carefully what Mr H's representative has said about the medical evidence. I'm afraid that I don't accept that it's not possible for him to obtain this evidence. That's his responsibility and especially as any third party, including this service, could only access this with his consent. Were he able to show that it was simply not possible for him to apply for credit then this would be strong evidence in his complaint. In addition the credit records provided do not confirm his address details before 2014.

So I agree with the adjudicator's view that there is simply no persuasive evidence to explain and support the basis for his complaint.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 30 December 2015.

Michael Crewe
ombudsman