

complaint

Mrs C has complained that NewDay Cards Ltd is pursuing her for a debt she does not feel she owes.

background

NewDay has said that in May 2012 Mrs C made a purchase of £25 using a storecard, and it is seeking payment of this, together with the accrued interest.

Mrs C says she had not used the card since the end of 2009, when she settled the account and destroyed the card. She has also explained that the matter has affected her credit file.

The adjudicator recommended that the complaint should be upheld, as he was not satisfied that there was evidence that Mrs C had made the purchase. NewDay disagreed, saying it was unfair to expect it to be able to evidence transactions from 2012.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

In the absence of any conclusive evidence either way, I have to decide what I think is fair, on balance. On the one hand, NewDay firmly believes the debt is owed, but cannot evidence it given the lapse of time since the disputed purchase was made. On the other, Mrs C says she had not used the card since 2009, ie around three years before. On balance, I am persuaded by Mrs C's recollection. It is unfortunate that NewDay is unable to provide any evidence of the debt, but without this, I am not persuaded that Mrs C made the purchase.

my final decision

For the reasons given above, it is my final decision to uphold this complaint. I require NewDay Cards Ltd to cancel the debt, including interest accrued (and any other charges), and remove any record of it from Mrs C's credit file.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs C to accept or reject my decision before 6 March 2015.

Elspeth Wood
ombudsman