

## **complaint**

Mr K complains about a number of fraudulent transactions on his National Westminster Bank Plc ('NatWest') bank account that he says he didn't make or authorise.

## **background**

Mr K opened a current account with NatWest on 6 January 2014, depositing some £1,800. Mr K was told that he would receive his card and PIN for the account within 10 days, but despite chasing these, they weren't received. Mr K deposited £400 a few days later.

On 17 January 2014 Mr K contacted NatWest to report that all ATM withdrawals made between 10 and 17 January 2014 had been carried out fraudulently, without his knowledge. Mr K confirmed that he had not received either the card or PIN, and that his postman had told him he hadn't passed on any of Mr K's post to a third party.

The withdrawals came to approx. £2,200 but as they had all been made using the genuine card and correct PIN – which had been sent to Mr K's home address and activated over the phone on 10 January 2014 - NatWest rejected his claim of fraud. NatWest also made a decision to close Mr K's account and decline to offer him further banking facilities.

The adjudicator who investigated Mr K's complaint didn't recommend that it should be upheld. He didn't think it was likely the card and PIN had both been intercepted by a third party and more importantly, after listening to the 'card activation' call, concluded that Mr K himself had made the call.

Mr K rejected the adjudicator's findings saying, in summary, that he hadn't received either the card or PIN, and that he hadn't called NatWest to activate the card. Mr K maintained that the money had been fraudulently withdrawn and asked for his complaint to be passed to an ombudsman.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. And having done so, whilst I am sorry to disappoint Mr K, I have come to the same overall conclusions as the adjudicator and for broadly the same reasons.

I too can see from NatWest's records that the card and PIN were sent to Mr K's home address, and agree that it is unlikely both could have been intercepted. And I have also listened to the call on 10 January 2014 – as well as the calls Mr K has held with the adjudicator – and agree that there appears to be no discernible difference between Mr K's voice, and the voice of the person who activated the card.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – that is, what I consider is most likely to have happened in light of the available evidence and the wider surrounding circumstances. And on balance, I think there is insufficient evidence for me to be able to say that NatWest should be held liable for the withdrawals.

## **my final decision**

My final decision is that I do not uphold Mr K's complaint.

Katherine Wells  
**ombudsman**