

complaint

Mr N complains that Capital One (Europe) plc will not refund payments he says he did not make with his credit card.

background

There were 15 payments made to the same merchant during a four hour period on 10 August 2015. These totalled £1,000. Mr N said he had the card in his possession at the time and did not authorise these.

The adjudicator did not recommend that the complaint be upheld. She said that:

- Although the merchant was based abroad, the transactions were carried out over the internet from this country.
- There was no clear way in which Mr N's card details had been discovered by a fraudster.
- The merchant also had correct personal information about Mr N including his address, date of birth, two email addresses and his phone number.
- Mr N had paid £1,071 to his account the day before to clear the balance which had been over the credit limit.
- A fraudster would have needed to know the credit limit and that there were available funds in the account.
- She would expect attempts by a fraudster to make transactions to continue even when a payment has been declined.

Mr N did not agree and wanted his complaint to be reviewed. He said he is not responsible for these payments. He wanted to agree a way of repaying the rest of the balance on his account.

my findings

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

The adjudicator has set out all the main points about this complaint and I agree with her conclusions. It also seems that the merchant involved provided online gambling services and so it's not clear how a fraudster could have withdrawn any winnings. I think that the most likely explanation of what happened is that these payments were authorised.

Mr N will need to discuss how to repay the outstanding balance with Capital One. I'd expect it to take account of his personal circumstances when setting any repayment plan.

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 N to accept or reject my decision before 15 January 2016.

Michael Crewe
ombudsman