

complaint

Mr H complains that Cabot Credit Management Group Limited trading as Cabot Financial (Europe) Limited is asking him to pay a credit card debt for an account that was fraudulently opened in his name.

background

Mr H says that his late wife opened a credit card account in his name without his knowledge. He says in those circumstances he is not liable for the balance and would like Cabot to write it off. He also says that this wasn't the only account opened in his name but those accounts were written off as it was accepted these were not opened by him. Mr H says he was spoken to inappropriately by Cabot when he called it.

Cabot says it bought the debt from the credit card provider and says it spoke to that provider about the debt which confirmed the debt was owed by Mr H. Cabot says it spoke to Mr H appropriately when he called it.

Mr H brought this complaint to us. Our investigator looked into the complaint and thought that Cabot wasn't responsible for the opening of the account and had acted responsibly by checking the position with the original credit card provider. The investigator didn't think Cabot had made a mistake or acted unfairly but did think it could have handled the call more appropriately.

Mr H doesn't accept that view and has asked for it to be reviewed.

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've come to the overall view that Cabot hasn't acted unfairly or made a mistake. I appreciate Mr H will be disappointed by my decision.

I'm satisfied that Cabot has acted in good faith by buying Mr H's credit card debt. I'm also satisfied that Cabot had no involvement in the opening of the account and so it can't be held responsible for what may have been the fraudulent actions of Mr H's late wife. I appreciate that Mr H says there was fraud and that this wasn't the only account affected by that. But I think Mr H will need to complain to the original credit card provider if he has not done so. As I think only it can decide if there was a fraud or if Mr H is liable for the debt.

I think that Cabot acted fairly when told about the fraud by contacting the original credit card provider. But I can see that Cabot was told by it that it held Mr H responsible for the debt. So I don't think Cabot acted unfairly or made a mistake by asking Mr H to pay the account balance in those circumstances.

I have listened to the call between the parties and I'm satisfied Cabot dealt appropriately with it. I appreciate it is not the main part of Mr H's complaint but I think Cabot explained its position and that Mr H remained unhappy with that position.

Overall I'm satisfied that Cabot has bought a legitimate debt and wasn't responsible for what took place when the account was opened. So I can't fairly order Cabot to write off the debt as Mr H would like.

my final decision

My final decision is that I don't 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 11 April 2020.

David Singh
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