

complaint

Mr A complains that National Westminster Bank Plc wants him to repay money he thinks he shouldn't owe to the bank, because he's been a victim of fraud.

background

Mr A contacted National Westminster to query some unusual activity on his account. He says he received online banking information, which he hadn't requested. Mr A says he then found his wallet – containing his bank card – was missing. On speaking with National Westminster, Mr A learned that someone had used his account to deposit a cheque, then transfer and withdraw money. The cheque was returned unpaid, leaving Mr A's account overdrawn. National Westminster doesn't accept Mr A has been a victim of fraud by an unknown third party. It has closed his account, and believes it's entitled to hold Mr A liable.

Our adjudicator noted Mr A's personal identification number (PIN) needed to be entered when the cash was withdrawn. Mr A had said he didn't write down the PIN, but had memorised it. And setting up the online banking facility required more than just access to Mr A's card. The adjudicator wasn't persuaded Mr A hadn't authorised the use of his details.

Mr A asked for this review. He maintains he knew nothing about the activity and was at work when the withdrawals were made.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where there's a dispute about what happened, I've based my decision on what I consider most likely to have happened in the light of the evidence. Having done so, I've reached a similar conclusion to the adjudicator.

I'm not persuaded there are reasonable grounds for me to conclude Mr A's account was accessed by an unacquainted fraudster without his knowledge. Even if Mr A had lost his card, that doesn't explain how the person knew his personal details, including his PIN.

I'm conscious that bank customers are sometimes approached by third parties and allow them to use their account facilities in return for payment. In the absence of a plausible alternative, I think this might well be an explanation for what's happened here. And in those circumstances, while I accept Mr A might not have undertaken the payments himself, I couldn't reasonably say National Westminster isn't entitled to seek repayment from him.

my final decision

My final decision is that I do not uphold this complaint.

Niall Taylor
ombudsman