

## **complaint**

Miss L complains that Santander Cards UK Limited acted incorrectly when it sold on her account to a third party. She explains she had already paid off this debt in 2010 so any remaining balance does not relate to her and should be written off.

## **our initial conclusions**

Our adjudicator did not recommend that the complaint be upheld. He said this because on balance he did not find that the debt had been paid off as Miss L originally suggested it had been in 2009. Santander had provided a history of the account for both before and after Miss L said she settled it in full. It followed he concluded the debt was validly owed. So he was satisfied Santander had done nothing wrong in selling it on.

Santander accepted this recommendation. Miss L did not. She commented that she had made a mistake about when she had paid off the debt. She now said it was in 2010.

Miss L asked that an ombudsman review her complaint.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where there is a dispute about what happened, I have based my decision on the balance of probabilities - in other words, on what I consider is most likely to have happened in the light of the evidence.

There is no dispute Miss L owns this account and did use the account to make purchases. Miss L recalls that she paid off the debt in full in 2010. But the information she has provided about the payments she made does not satisfy me that she did pay off the debt in full as she suggests. As the payments she says she made do not tie up with the account balances.

Whereas Santander's records show that it did not receive full payment in 2010. Rather its records show the account was open with a balance well after this date. The adjudicator has already set out the history of the account and the various balances so I will not repeat that information here. I see no reason why Santander's records would be incorrect. Or why it would not have applied any payments Miss L made to the account and closed it if the balance had been paid in full in 2010.

Instead its records show that it continued to receive payments – seemingly from Miss L between October 2010 and May 2011 after which payments ceased. It says at this point there was still an outstanding balance of £192. I find it difficult to understand why Miss L would have made these payments if she was certain she had already paid off the debt in full.

In all of the circumstances I am not as sure as I need to be that Miss L did pay off the debt as she says in full in 2010. On this basis I do not find that Santander has done anything wrong in pursuing her for the debt or selling it on to a third party.

**my final decision**

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

Under the rules of the Financial Ombudsman Service, I am required to ask Miss L to accept or reject my decision before 8 January 2015.

Joyce Gordon  
**ombudsman**