

complaint

Mr M complains that Service Insurance Company Limited settled a third party claim under his motor insurance policy when he hadn't been involved in an accident.

background

The third party alleged that Mr M drove into the side of his taxi in July 2013. Service was notified of the claim in December 2013. Having arranged for the claim to be investigated and after receiving an engineer's report and medical evidence, Service settled the claim in full.

The adjudicator recommended that the complaint shouldn't be upheld. She said that when Service's investigator tried to take a statement from Mr M he failed to co-operate; and that there was other evidence which would have made it difficult to defend the third party claim.

Mr M didn't agree with that assessment. He said there was no evidence that he'd been involved in the accident and Service shouldn't have settled the claim.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Under the terms of Mr M's policy, Service was entitled to *"Take over and carry out the defence or settlement of any claims in your name or that of any other person insured by this policy."* It was also entitled to *"Any information and help we need from you"*.

On 19 December 2013 Service wrote to Mr M about the claim. It explained that it had arranged for the claim to be investigated and asked Mr M to get in touch with the loss adjuster it had asked to do the investigation.

On 6 January an investigator visited Mr M's home. I have read his report of that meeting. He says Mr M was initially co-operative but, when he started to ask questions about the accident, his manner changed:

"I asked him what sort of a van he had to which he replied "a white one" in response to this I asked him if he wanted me to leave and he said he did. As I was about to leave I suggested that we should sit down and sort out the statement, but without good result."

The investigator says *"he could have provided a simple enough statement denying any knowledge and inviting me to examine and/or to photograph his vehicle. Instead of which he became agitated to the point where I felt obliged to leave."*

The investigation did establish that Mr M lived less than 10 miles from the third party and just over a mile from where the accident was said to have happened. The third party had provided the registration number of Mr M's vehicle. The engineer's report and the medical evidence provided in support of the claim were consistent in their description of the circumstances of the accident and the damage caused.

Mr M says that he wasn't given advance notice of the investigator's visit and that he didn't produce proper ID. The investigator himself acknowledged that the visit was unannounced and to that extent was sympathetic to Mr M. But as Mr M had received Service's letter about

the claim, I am satisfied that he knew why the investigator was calling. If he had had any doubts about his identity or it was not a convenient time, he could have rearranged the meeting.

The limited evidence that was available from Service's own investigation showed that Mr M was likely to have been in the area when the accident happened. The third party was able to provide the registration number for Mr M's van. These may not have been enough in themselves to establish that he was involved in the accident. Given the other evidence the third party had produced and the fact that Mr M wasn't willing to co-operate, I am satisfied that Service was entitled to settle the claim as it did.

my final decision

My decision is that I do not uphold the complaint. I make no award against Service Insurance Company Limited.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr M to accept or reject my decision before 9 February 2015.

Melanie McDonald
ombudsman