

complaint

Mr S has complained about how he's being pursued for a debt by Marlin Europe II Limited.

background

Mr S is being asked to repay a debt by Marlin. He has a lot of concerns about this, but many of these have already been looked at by this service. So this specific complaint is limited to his new concerns. He says Marlin hasn't fully responded to correspondence, and that he was contacted by a debt recovery agent.

Our adjudicator didn't recommend that the complaint should be upheld, as she felt Marlin had behaved reasonably. As Mr S disagreed, the complaint's been passed to me for my final decision.

my findings

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

First, I note that this service has already issued three final decisions in respect of this debt. They addressed the validity of the debt, whether Marlin can pursue Mr S, whether it would deal with a third party as Mr S's representative and data protection issues. This means I can't comment further on these points, and would refer Mr S back to our previous findings. However, the one thing I would say is that I know how important it is to Mr S that he has a representative to act on his behalf. I would therefore urge him to follow Marlin's guidance on how he can give the proper authorisation for this.

My decision here is limited to Marlin's behaviour in respect of the issue that haven't been looked at by us before. I'll address Mr D's concerns individually below.

I know Mr D is concerned that Marlin hasn't responded fully to some of his correspondence. But I can see that this is because the correspondence is about matters this service has already made final decisions about. Because of this, I don't think it fair for Marlin to be required to address these matters further.

Mr D has also been contacted by a debt recovery agent. This is because Marlin started seeking recovery of the debt again, once it had received our final decisions. It was entitled to do so, so I don't think it did anything wrong. That said, I understand that it's upsetting for Mr D, and I do sympathise with him about this. But ultimately, Marlin is entitled to seek payment of the debt.

I also understand that Mr D has worries about Marlin not having told the debt recovery agent about his previous complaints. Again, I don't think it did anything wrong by not doing so. This is because this service had issued final decisions on these issues, so Marlin was entitled to see them as having been resolved.

Because of this, I don't think Marlin has acted unfairly towards Mr S.

my final decision

For the reasons given above, it's my final decision not to uphold this complaint. I make no award against Marlin Europe II Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 30 October 2015.

Elspeth Wood
ombudsman