

complaint

Miss F feels that Bank of Scotland Plc, trading as Halifax ("BOS") has treated her unfairly about some transactions that Miss F does not believe she should be responsible for.

background

Miss F is disputing certain ATM transactions made on her account over a period of years. BOS believes Miss F is responsible for those transactions or authorised them and so is refusing to reimburse Miss F for them.

Miss F brought her complaint here and the adjudicator did not uphold it. Miss F does not agree so this complaint has been passed to me.

my findings

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

BOS and Miss F don't agree what actually happened in this case. As such I can only make my decision based on the evidence provided to me by the two parties. In short I must decide what is most likely to have happened. Or in other words, what happened on the balance of probabilities.

Miss F feels very strongly about this issue. She is adamant that she knows nothing about these 'fraudulent' ATM transactions. She believes that there is a conspiracy against her where she lives. She believes various individuals in various employers including the post office and the police are involved and conspiring against her. She says she hasn't shared her PIN with anyone and repeatedly changed cards and pins to stop these ATM transactions happening. But the conspirators have such strong connections that they are being protected and cannot be challenged. She says because of this the police are not getting involved.

On balance I don't uphold Miss F's complaint. I've decided this because:

- I've not seen persuasive evidence of any fault or wrongdoing by BOS.
- These transactions were made by Chip and Pin with Miss F's genuine card. Whoever made these transactions clearly knew Miss F's Pin and had access to her card.
- In this service's experience actual fraudsters empty accounts as quickly as possible for obvious reasons. But this is not the case here. The transactions are spread over years and the account isn't emptied. Furthermore the transactions are for similar amounts and they were from ATM's near Miss F's address. There doesn't seem to be any spending in shops or elsewhere like we see in many frauds. So these disputed transactions don't seem to fit the pattern of common frauds this service sees.
- Based on the information from BOS the card used was the genuine card and not a copy. The security provided by Chip and Pin is incredibly high. I've never dealt with any cases where I've been persuaded that a Chip and Pin card has been fraudulently duplicated successfully.
- Miss F's comments about what has happened aren't particularly detailed or persuasive in my view. There is no real detail given of how her pin was compromised or how her cards have been cloned or how her Pin has been accessed by the conspirators on repeated occasions.

- I've considered the actions taken by the person withdrawing the money during the time in question. It is not in line with normal fraudulent behaviour at ATM's in my experience.

I am not persuaded by Miss F's arguments on this matter. I find it more likely that Miss F or someone on her behalf made these disputed transactions than any other party. As such my decision is, on balance, that Miss F isn't entitled to a refund for these transactions from BOS. And so this complaint does not succeed.

My final decision

For the reasons I have explained, while I appreciate this may be a disappointment to Miss F, my final decision is that I do not uphold this complaint against the Bank of Scotland Plc trading as Halifax.

Under the rules of the Financial Ombudsman Service, I am required to ask Miss F to let me know whether she accepts or rejects my decision before 29 January 2018.

Rod Glyn-Thomas
ombudsman