

## **complaint**

Mrs F complains that Lloyds Bank plc will not refund fraudulent payments made from her bank account.

## **background**

Mrs F disputes payments made from her account to gambling sites between May 2012 and August 2013. She says that she did not make these payments, and – as she does not check statements or look much at her account online – only realised they had been made when she looked at her account more closely in July 2013. She reported the transactions to Lloyds, and to the police, in August 2013.

Mrs F says that she keeps her banking information secret, and does not know of any way in which someone could have got hold of this information to make payments from her account. She says that a friend stayed with her during part of this time, and was allowed to use her laptop. Whilst Mrs F agreed that she and her husband made online gambling transactions, she said that this was only ever done within strict limits and that the disputed transactions were not made by her.

Lloyds was unwilling to refund the disputed transactions, because it considered they had been correctly made with Mrs F's card details and did not accept they were fraudulent. As things were not resolved, Mrs F brought her complaint to this service where an adjudicator investigated it.

The adjudicator obtained evidence from Mrs F, Lloyds and the online gambling companies to which the payments had been made. From the evidence, the adjudicator considered that the online accounts had been set up by Mrs F. The adjudicator noted that, whilst there had been a large number of payments out to the gambling sites, there had also been a large number of payments back in – representing winnings.

The adjudicator also considered that there were some inconsistencies in what Mrs F had said about her account and about her genuine gambling activity. Overall, the adjudicator was not persuaded that Lloyds was liable to refund the transactions and so did not recommend that the complaint should succeed.

Mrs F did not agree with the adjudicator's conclusions and said, in summary:

- She does not understand why her complaint has been rejected. She actually only checked her account quickly in July, and did not check it properly until the August.
- She does not know whether her friend knew her password – she may have given her the information.
- As to the winnings going into her account, perhaps her friend gambled in her name to try to help financially.
- It is not fair that she should have to pay, and she should not be blamed for what happened. She has become depressed because of this, and feels Lloyds should at least take some responsibility for her loss. It may be that she is not being helped because of her nationality.

## **my findings**

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

Looking at what Mrs F has told us during the course of her complaint, I see she initially said that gambling accounts to which the disputed transactions were sent had been opened fraudulently. The adjudicator later obtained specific information about these accounts from the online gambling companies, from which it became evident that Mrs F had in fact set the accounts up.

Mrs F has also been inconsistent about whether a third party could have had her banking details, initially saying that she kept them private and did not even disclose them to her husband – but later saying that she may have given them to a friend.

It is not clear, however, what benefit someone would gain from using Mrs F's card details for online gambling activity, given that any winnings would get paid straight into Mrs F's bank account. I find implausible Mrs F's suggestion that her former friend may have done this to try to help her financially.

There were substantial numbers of transactions, both debits and credits, and I am not satisfied by Mrs F's explanation about why she did not begin to notice them for over a year particularly if, as she says, she kept such a tight limit on her online gambling activities.

Overall, I am not persuaded that Lloyds is liable to refund these transactions. I am genuinely sorry to learn that Mrs F's situation is causing her to become depressed but – in the circumstances – I do not consider I can fairly find that Lloyds should take responsibility for what happened.

## **my final decision**

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

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs F to accept or reject my decision before 22 May 2015.

Jane Hingston  
**ombudsman**