

## **complaint**

Mr M complains that Home Retail Group Card Services Limited trading as Argos Card is wrongly chasing him to repay a debt after it said that it would waive it.

## **background**

Mr M was repaying his debt to Argos at £5 per month from 2008. He was seriously injured in a car accident in 2011 and has been recovering but he still isn't able to work. Mr M says that when he called to make a payment in September 2013 and explained his circumstances he was told to stop paying, send in medical evidence and the debt would be written off. Mr M says that he sent his medical evidence in the post and he didn't hear anything from Argos for about a year. He was then contacted by the collections department and he says he was harassed to make payments and he has been very upset and distressed. Argos says that it has no record of the agreement to write off the debt and it needs up to date medical information from Mr M to assess his payment arrangement.

Our adjudicator didn't recommend that the complaint was upheld. She thought that without more evidence that Argos had agreed to write off the debt it wasn't reasonable to ask it to do so. She thought that Argos had acted reasonably in contacting Mr M to ask him to make payments towards the debt. Mr M didn't agree and said in summary that he was told to stop making payments and it isn't fair that Argos is going back on its word to write off the debt. He said that the collections department kept harassing him with calls and lost his medical evidence.

## **my findings**

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

I can appreciate how stressful this situation is for Mr M and I understand that he feels strongly that Argos are going back on an earlier agreement. I don't know what was said to Mr M in 2013 but I can see from the notes provided by Argos that it didn't contact him about the missed payments or ask him to set up a new payment plan until it wrote to him in March 2014. It doesn't appear that Mr M received that letter as it may have been sent to his old address.

In October 2014 Mr M was contacted by the collections team and told to send in medical evidence. Mr M sent all of his medical information in by recorded delivery and this was received on 31 October 2014. Argos has confirmed that this letter did not reach the correct department although it was delivered. I can see from the notes that the collections department contacted Mr M in December 2014 and he was asked for medical evidence again. Mr M sent this by recorded delivery and normal post and Argos reviewed it in January 2015. Argos said that it wanted up to date medical evidence and it wrote to Mr M at the address it held for him and tried to contact his mobile. Mr M had asked for email correspondence and provided an email address but Argos said it couldn't send an email.

Mr M has said that he doesn't have any updated medical evidence and his GP won't provide a report. Argos asked for an updated financial statement and Mr M completed this in July 2015. Mr M did offer to pay £500 in full and final settlement of the debt but Argos has agreed to this only as a partial settlement and will record it on Mr M's credit file as a partial settlement.

The delay by Argos in chasing Mr M for payment after the payments stopped in September 2013 may have contributed to Mr M's impression that Argos had agreed to write off the debt. I have looked carefully at the notes provided by the business and I can't see that it ever agreed to write off the debt. I don't doubt that Mr M may have been told this, but it wasn't recorded and Argos says that it isn't its practice to write off the debt. I can't say that it is fair to ask Argos to write off the debt just on the basis of this conversation.

Overall I think that Argos has tried to assist Mr M to come to suitable arrangements to repay the debt and I don't think that he has been harassed to make payments. I can understand why Mr M feels the way that he does but I think Argos were entitled to ask him to pay the debt back and ask for evidence about his circumstances.

It is up to the business whether it wants to settle the debt for a lower amount and I can't ask it to accept Mr M's offer. I would expect Argos to assist Mr M to come to an affordable repayment plan given his circumstances. I know that my decision will be a disappointment for Mr M but on the evidence I have seen I can't ask Argos to do any more.

#### **my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 29 March 2016.

Emma Boothroyd  
**ombudsman**