

complaint

Mr K complains that Vanquis Bank Limited won't refund transactions which he says were made fraudulently after his credit card went missing.

background

A series of payments was made from Mr K's credit card account between 9 and 12 May 2017 in mainland Europe. Mr K says he'd lost his card but hadn't realised straight away. He says he'd also lost his mobile phone, which he kept a note of his PIN on, under "*PIN number*".

Mr K says he didn't make the payments in question. He contacted Vanquis on 13 May to tell it he'd lost his card.

Vanquis wouldn't refund the payments. It said Mr K had told it he'd lost his phone on 20 April, but he hadn't lost his card until 8 May. It also said the PIN for the card was entered correctly at the first attempt for each of the disputed payments. It couldn't see how a third party could have got hold of both the phone and the credit card to have made the payments.

Our investigator thought there were inconsistencies in what Mr K had said. She said the evidence indicated Mr K had either made the payments himself or someone else had done so on his behalf. She didn't think Vanquis should refund the money.

Mr K didn't accept that conclusion. He maintained that he'd had nothing to do with the payments and said he was at work in the UK when they were made abroad.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've reached the same conclusion as the investigator did, for broadly the same reasons.

Mr K isn't sure when or how his phone and cards went missing (he says another card besides the Vanquis one was also used fraudulently). But he has told both us and Vanquis that he lost his phone around two weeks before he lost his cards.

Vanquis's records satisfy me that the payments were made using Mr K's card and PIN. I share Vanquis's view that it's difficult to see how a fraudster might have got hold of both of those in the circumstances Mr K has described, and then used them to make the payments in dispute.

Like the investigator, I find there have been inconsistencies in what Mr K has said. Dates have changed over time, and he's told us he'd blocked his phone, then that he hadn't. And Vanquis's records say he reported the matter to the police on 10 May – a few days before he told it he'd lost his card.

Mr K has sent in wage slips and bank statements, which I've looked at carefully. The wage slips show he got paid for the week ending 14 May. Mr K says they prove he was in the UK, so he can't have been using his card abroad. But they don't show the hours or days he worked that week. And, in any case, Vanquis can hold him responsible for the disputed payments if he authorised someone else to make them – not just if he made them himself.

In all the circumstances, I don't think the payments were made without Mr K's knowledge or consent – so I can't fairly tell Vanquis to refund them.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 1 December 2017.

Janet Millington
ombudsman