

complaint

Mr K says that his account has been the subject of fraudulent activity, but that Lloyds TSB Bank Plc has refused to reimburse his losses. He is also unhappy with the customer service received from Lloyds during their investigations.

background

Mr K holds a current account with the bank. The bank's records indicate the following activity that is relevant to this complaint:

- Between 5 April to 20 May, a significant sum of money was paid into Mr K's current account.
- On 11 May a new debit card and Personal Identification Number (PIN) had been requested via telephone from Lloyds.
- On 20 May the disputed transactions commenced. Several transactions, using the new debit card, took place over the course of a few days.
- On 23 May Mr K went into a Lloyds' branch to make a withdrawal. At this point he discovered that a new card and PIN had previously been issued to him and the recent disputed transactions on his account.

Mr K said that he was not responsible for any of this activity on the account.

Mr K's complaint was considered by one of our adjudicators, who indicated that she was not minded to uphold it. She said that she could not safely conclude that Mr K neither made nor authorised the disputed transactions. Mr K did not accept those conclusions and asked that they be reviewed by an ombudsman.

my findings

I have considered all the available evidence and arguments from the outset, in order to decide what is fair and reasonable in the circumstances of this complaint. All the evidence has been considered on the balance of probabilities – in other words, what I consider is more likely than not to have happened in light of the available evidence.

Mr K says that he did not receive the replacement card or PIN which were sent out by Lloyds. I note the card and PIN were posted out in separate envelopes, on separate days, to the correct address which Mr K resides at. Mr K lives with his family and no one else has access or keys to his home. I think it more likely than not that both envelopes were delivered to that address. The prospects of a third party being able to intercept this mail are very low.

When the replacement card and PIN were requested, the bank is likely to have asked a number of personal security questions. There has been no reasonable explanation put forward by Mr K as to how a third party would have known this information.

Mr K deposited a sizeable sum of money into his account in the weeks preceding the disputed transactions. Mr K has advised that no one else would have known the balance of his account. However the first disputed transaction was a large withdrawal, indicating that whoever withdrew this sum was confident of the balance in the account. I am also aware that

Mr K has provided two different reasons for why he had saved such a large amount of money to pay into his current account. Naturally this raises suspicions.

I note Mr K's frustration at not being provided with any CCTV footage. However this footage would not help me to determine if Mr K had authorised the transactions.

Mr K has raised concerns about the level of customer care received from Lloyds during their investigation. I cannot find any evidence from the documentation I have reviewed that Lloyds conducted their investigation in either a '*cynical*' or '*unprofessional*' manner.

On balance, like the adjudicator, I believe that the more likely explanation here is that Mr K either made the disputed transactions himself or authorised someone else to do so. It follows that I cannot properly require the bank to reimburse Mr K.

my final decision

My final decision is that I do not uphold Mr K's complaint.

Robyn McNamee
ombudsman