

## **complaint**

Miss P complained that The Prudential Assurance Company Limited (Prudential) won't pay some of her pension benefits to her now.

## **background**

Miss P needs to release some money from her pension to pay off a loan. She's said that if she can't do that she'll lose her house. She's said she can still work but not full time. She told Prudential her doctor won't sign her off work.

One of our adjudicators looked into Miss P's complaint. But she didn't uphold it.

The earliest age pension benefits can be taken is 55, unless the consumer is in serious ill health. Miss P isn't yet 55 and isn't in serious ill health.

So Prudential wasn't being unreasonable by not paying Miss P some of her pension now.

Miss P is at risk of losing her house, so she wants to take matters as far as she can. So she's asked for her case to be considered by an ombudsman.

Prudential didn't say anything else.

## **my findings**

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

Miss P's situation is very difficult. I can see why she wants, if she can, to access her pension fund. She needs that money now to try to keep her home.

But, as our adjudicator has confirmed, what Prudential has said reflects the legislation. It's not that Prudential doesn't want to help Miss P. It's simply that Prudential isn't permitted, by law, to release the money held her pension fund to her now.

Prudential's offered to look at the matter again, if Miss P's situation changes. I think that's all Prudential can reasonably do.

I've every sympathy with Miss P. But I can't ask Prudential to do something which the law doesn't allow.

## **my final decision**

I don't uphold Miss P's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 25 April 2016.

Lesley Stead  
**ombudsman**