

complaint

Mr V complains National Westminster Bank Plc is holding him responsible for the balance outstanding on his credit card account. He says this has been caused by fraudulent deposits and withdrawals. He wants NatWest to stop chasing him for the debt.

background

The details of this complaint are well known to Mr V, and to NatWest, so I don't repeat them here. In summary;

- Over a period of four days in July 2013, Mr V's credit card was used to make three withdrawals;
- Three deposits were credited to his account during this time;
- NatWest later removed the credits from Mr V's account as they had been identified as being from a third party that had not approved the payments; and
- This meant the balance on Mr V's account increased – he owed the bank more money.

There's a dispute over when the problems were highlighted to NatWest. Mr V says he got in touch with the bank in August 2013. The bank says he didn't contact it until October.

After looking into the problems further, NatWest said it wouldn't refund the money – so Mr V had a high balance to repay. The bank said Mr V hadn't kept his account information secure. And there were differences in the story he told the bank at various times.

Mr V wasn't happy with the bank's response so contacted us. He was upset NatWest didn't seem to treat his report of fraudulent activity either seriously or quickly.

One of our adjudicators looked into Mr V's complaint but didn't think NatWest was wrong in holding Mr V responsible for the debt. The adjudicator was satisfied Mr V's real card had been used – and the correct PIN entered. Mr V had said the PIN was known only by him. But it later seemed it may have been written down or stored in Mr V's mobile phone.

The adjudicator thought it strange a fraudster had made deposits to Mr V's credit card account. He couldn't see how this would benefit the fraudster. And he agreed with NatWest that there were differences in Mr V's description of what had happened.

Mr V didn't agree with the adjudicator's view so his complaint has been referred to an ombudsman to make a final decision. When doing so, Mr V highlighted areas where he didn't think NatWest had met the legal or industry requirements in order to hold him responsible for the debt. And he pointed out one of the deposits to the credit card account would be his normal direct debit.

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 see Mr V feels very strongly about his complaint. That's clear from what he's said to both NatWest and to our adjudicator. And this isn't surprising – after all, there is quite a large amount of money involved. So his concerns are understandable.

Mr V's made a complaint along similar lines about his NatWest current account. While that issue has been considered separately, I've looked into both complaints to make sure I've the fullest picture possible of the circumstances at the time. So the two decisions may look alike.

But I'm afraid I've to tell Mr V that I think the adjudicator – and therefore NatWest – has got entirely the right outcome here. Indeed, there's little I can add to what the adjudicator has already told Mr V. I consider the adjudicator set out the position clearly.

To be honest, I have difficulty in believing Mr V's description of the circumstances of his complaint. Although he's explained some of the differences in what he said to NatWest and to us, I'm not convinced he's given either of us the whole story.

I accept the first of the three deposits appears to be for the balance due on Mr V's credit card account before the activity he says is fraudulent. But I can see no benefit to a fraudster in making the other two deposits. And the withdrawals were made using his card and PIN.

The differences in Mr V's story don't help his case. He gives different accounts of whether (and where) his PIN might be recorded. And here the link with his other complaint is important. If – as Mr V has suggested – he kept both his credit and debit card together, it seems strange that he did not realise his credit card was missing when he contacted NatWest in August 2013 about his debit card being missing.

I accept there's a dispute over when Mr V contacted the bank about the fraudulent activity on his credit card account. But – because of the differences in what Mr V's said happened at various times – I think it more likely the bank's record keeping of his contact with it is correct.

Mr V makes some valid points about the need for NatWest to demonstrate it can hold him responsible for the debt. But I think the situation he describes here (and in connection with his other complaint) is so unlikely that I'm not surprised NatWest has not gone into as much detail as it might.

I don't rule out the possibility that Mr V made the deposits and withdrawals himself. If he didn't, then I think they were most likely done with his knowledge or agreement.

I know Mr V may be disappointed by this, but I can't see how I can fairly direct NatWest to refund the money (and no longer hold Mr V responsible for the debt). He may wish to take the matter further through other routes. But my decision brings to an end what we – in trying to resolve the dispute informally – can do for him.

my final decision

For the reasons I've given, my final decision is that I don't uphold Mr V's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr V to accept or reject my decision before 27 April 2015.

Andrew Davies
ombudsman