

## **complaint**

Mr J complains that Vanquis Bank Limited unfairly holds him liable for disputed transactions made on his credit card account.

## **background**

The disputed transactions comprised two cash machine withdrawals and six retail transactions – all made by means of Mr J's Vanquis credit card and its associated personal identification number ("PIN").

Mr J says that his bag, containing his Vanquis card along with other cards, was stolen from him during a coach journey from his home city to another large city, probably when he fell asleep. He says his card must have been used by the thief to make the transactions.

There was a delay of some hours between Mr J discovering that his card was missing and his reporting the theft to Vanquis. Mr J says that, with all that was going on, it had slipped his mind to report the card.

Vanquis was not willing to refund the disputed transactions and Mr J brought his complaint to this service. An adjudicator investigated the complaint, obtaining further information and evidence from Mr J and from Vanquis. From the overall evidence, the adjudicator considered that Vanquis was entitled to hold Mr J liable for the disputed transactions and so did not recommend that the complaint should succeed.

Mr J did not agree with the adjudicator's conclusions and said, in summary:

- The adjudicator seems to be suggesting that he gave his card and PIN to someone else, which is absurd and unthinkable to him.
- When he reported the matter to the Police they told him to wait and that he might get his bag back. So he could not have got the card stopped. In any event, he has read that it is possible for thieves to get PINs by hacking and through online documents.
- He kept a record of his PIN, but that was at home and was still there when he got home. He had other papers in his bag which may have enabled someone to get the PIN.
- His friend, whom he had made the coach journey to visit, can testify that he was upset when he arrived.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

From what Mr J has told us, he left the bus station in his home city at about eleven in the morning. He arrived at his destination around one-thirty in the afternoon, and says that his bag went missing while he was on the coach.

The disputed withdrawals began about two hours after Mr J's stated arrival in his destination city. They were not, however, made in that city – they took place in Mr J's home city. Mr J reported his card missing about half an hour after the last disputed withdrawal was made – there was no attempt made after that to use the card.

It is also evident that whoever used the card had Mr J's PIN. As I understand it, Mr J is now saying that it may have been possible for someone to get the PIN from other papers that were in his bag, but he has not been specific. The adjudicator also asked Mr J for some additional routine information and evidence to support his case, but he has not provided it and has given no reasonable explanation of why he cannot.

Overall, I have not found Mr J's case persuasive and I am satisfied – on a balance of probabilities – that Vanquis may hold him liable for the disputed transactions.

### **my final decision**

My final decision is that I do not uphold this complaint.

Jane Hingston  
**ombudsman**