



complaint

Ms E complains that J D Williams & Company Limited should stop chasing her for payment of a debt that is included in a Debt Relief Order (DRO).

background

Ms E did some shopping with J D Williams. She later applied successfully for a DRO. She complained when the company continued to chase her for payment.

The adjudicator recommended that the complaint should be upheld in part. She concluded that the DRO was public information which J D Williams should have been able to verify.

She said that it should cease collections activity and attempts to contact Ms E. But the adjudicator said that Ms E could have sent the company a copy of the DRO. Therefore, she did not consider that we should make an award for distress and inconvenience.

J D Williams disagrees with the adjudicator's opinion. It says it has not seen evidence that its account is included in the DRO.

my findings

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

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

I see from its account history that J D Williams already knew of the DRO and its reference number before a Citizens Advice Bureau (CAB) gave it that information in August 2012.

The CAB letter said that the DRO was a public document accessible on the website of the Insolvency Service. I consider that this is partly correct. The existence of the DRO is public information. The DRO itself and its list of qualifying debts are not publicly available documents.

But I have now seen the DRO and the list including J D Williams' debt. Therefore, I consider it more likely than not that the Insolvency Service sent a copy of the DRO to the company.

I conclude that it was unfair and unreasonable that J D Williams and its agents continued to chase Ms E.

I do not doubt that J D Williams caused Ms E some unnecessary inconvenience and distress at an already difficult time for her. But I bear in mind that she and her adviser could have been more forthcoming with copies of the DRO. Therefore, I do not consider it fair and reasonable to order compensation.

The DRO moratorium expired in June 2013 and Ms E was discharged from the qualifying debts. Therefore, I will order J D Williams not to ask her for payment.

my final decision

For the reasons I have explained, my final decision is that I uphold this complaint in part. In full and final settlement of it, I order J D Williams & Company Limited to:

- not – by its agents or otherwise – ask Ms E to pay it any money in connection with her account number ending 8636.

Christopher Gilbert
ombudsman