

complaint

Mr S complains that NewDay Ltd has not correctly dealt with a chargeback request and he wants the money refunded to his credit card account.

background

In February 2018 Mr S paid £500 for some shoes for his wife online using his NewDay credit card. The shoes did not fit and so Mr S explains that he returned them to the retailer for a refund. The retailer refused the refund because it said the returned shoes were counterfeit. Because of this the retailer also refused to return the shoes to Mr S. Mr S raised a chargeback request with NewDay and the money was refunded to his account in April 2018. Following this, the retailer defended the chargeback and in the circumstances NewDay concluded that it could not take matters any further and the money was removed from Mr S's account.

Mr S is unhappy that he doesn't have either the money or the shoes and he does not agree that the chargeback request has been handled correctly by NewDay.

Our investigator didn't recommend that the complaint was upheld. He thought that NewDay had correctly considered the chargeback request and dealt with it as he would expect even if the outcome wasn't what Mr S was hoping for.

Mr S didn't agree and replied to say in summary that NewDay had lost evidence in the form of emails to the retailer and it had not handled the chargeback correctly at all.

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 appreciate that Mr S is frustrated as he doesn't have either the shoes or the money but I can only look at the actions of NewDay when dealing with the chargeback request.

The money was initially credited back to Mr S's account once he returned the completed forms. The chargeback process was then raised with the retailer. Mr S therefore had the benefit of the money during the investigation which I consider is fair and reasonable.

The retailer defended the chargeback and maintained that the shoes that were returned were counterfeit. Mr S says that he only returned what was sent to him by the retailer.

NewDay concluded that it wasn't able to take the chargeback claim any further as it didn't have any evidence that counterfeit shoes had been delivered to Mr S or that the genuine shoes were returned. In the circumstances it could not proceed with the chargeback. I agree with the adjudicator that in these circumstances I can't say that NewDay has done anything wrong. Even with the emails that Mr S says have been lost by NewDay I can't say that this would have been enough to successfully pursue the chargeback claim.

I can understand why Mr S is upset and I sympathise but I can't say that NewDay was wrong to reach the conclusions it did or that it has treated Mr S unfairly.

For these reasons I don't uphold this complaint.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 3 June 2019.

Emma Boothroyd
ombudsman