

complaint

Mr A complains that Nationwide Building Society will not refund payments he says he did not make from his bank account.

background

A number of payments, totalling £760, were made to an online gambling company on 5 and 6 December 2015. Nationwide had raised a dispute with the company on behalf of Mr A. It had provided details that matched those of Mr A. And it had shown he had been a regular customer and had made previous payments and received credits. He has now closed his account.

The adjudicator did not recommend that the complaint be upheld. She said that:

- Mr A had confirmed that he had used the online website on his phone which was password protected.
- The company had shown that the IP address recorded for the disputed transactions had been used previously for genuine payments.
- Nationwide had followed its normal process for looking at disputed payments. It was reasonably entitled to accept the company's explanation taking into account that Mr A was an existing customer.
- She was unable to conclude that Mr A's account had been 'hacked' and noted that a fraudster wouldn't have been able to withdraw any winnings.
- If Mr A had concerns about the records of the IP addresses used to access his account he would need to raise these with the relevant authorities.

Mr A did not agree. He was upset at the suggestion he is making this up. And he said it wouldn't make sense for him to pay all this money out just after he'd been paid, leaving him no money for that month. He thought it amazing that it could be confirmed that the IP address used was that of his phone and is unhappy that Nationwide won't disclose this.

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 won't be able to say exactly what happened here. I'll need to decide, on the evidence available, whether on balance it's reasonable for Nationwide to hold Mr A responsible for these payments.

I've seen the information that the company supplied Nationwide. It records the IP address used to access its website each time a customer logs on. And I can see that payments in dispute were made from an IP address that had previously been used by Mr A to access the website. I don't know if that's Mr A's phone but it's clearly a device and/or location from which genuine access to his account has been made before.

There's no explanation of how someone acting without Mr A's knowledge and authority would have been able to make these payments. That would have required knowledge of his personal security information. And, as the adjudicator says, there wasn't a way for a fraudster to have withdrawn any winnings- these would have gone back to the registered payment card.

So I'm afraid I going to disappoint Mr A when I say that, on balance, I don't have a basis to require Nationwide to refund these payments.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 14 October 2016.

Michael Crewe
ombudsman