

complaint

Miss J complains that The Royal Bank of Scotland Plc will not refund a payment from her business account she says she did not make.

background

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

- The payment for £180 to a retailer was made after the chip on Miss J's debit card had been read and the correct PIN entered.
- Miss J had said that she had the card with her at all times and had only stored her card PIN on her phone which had a security code.
- Although it was possible someone could have seen Miss J entering her PIN during a payment the day before there was no explanation of how her card was obtained.

Miss J did not agree and wanted her complaint to be reviewed. She said that she did not authorise this transaction to a hairdresser. She said there must be other evidence that can be looked at.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

To decide that this transaction was not authorised I'd need to find all of the following more likely than not:

- A fraudster somehow obtained Miss J's card without her knowing.
- That person also found out Miss J's PIN even though there's no clear evidence how this would have happened.
- For some reason the card was only used once by a fraudster even though it seemed from a statement provided by RBS that there were further funds in Miss J's account at the time.
- The card was replaced again without Miss J knowing.

I'm afraid that these are not all findings that I can make on the evidence. I appreciate Miss J says there's no reason why she would have travelled some distance to visit an expensive hairdresser that would have been unsuitable for her. But in the absence of a likely alternative explanation of how this transaction was made I'm unable to conclude that it was not authorised in some way.

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 Miss J to accept or reject my decision before 30 December 2015.

Michael Crewe
ombudsman