

## **complaint**

Mr A complains about how MBNA Limited has handled his credit card account and treated him whilst experiencing financial difficulties.

## **background**

In summary, Mr A is unhappy that the bank has continued to take collections action against him and to apply interest and charges to his account while he has been in financial difficulty.

Our adjudicator did not recommend that the complaint should be upheld. In summary, he considered that:

- When a debt is owed it is reasonable for a bank to pursue it;
- MBNA was entitled to pass Mr A's debt to its recoveries department (and later to sell it to a third party) once it became apparent Mr A could not bring the account into order in a reasonable period;
- MBNA had not applied interest or charges to the account since August 2009;
- He could not reasonably conclude Mr A was stuck in a spiral of interest and charges or that the debt was increasing beyond a level he was presently unable to sustain;
- As Mr A was unhappy about the conduct of the third party the debt was sold to, he should raise those concerns directly with the third party.

Mr A did not agree. In summary, he says;

- MBNA did not respond when he said he was experiencing financial difficulty;
- Other banks have treated him differently and have suspended or frozen interest;
- He did not receive statements or a default notice;
- He is unhappy about how the third party has dealt with him once MBNA sold the debt onto it;
- MBNA is unethical and arrogant.

## **my findings**

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

Having done so, I agree with the conclusions reached by our adjudicator for broadly the reasons given.

Banks are required to deal with customers in financial difficulty positively and sympathetically, but this does not necessarily mean that a bank must refund charges and interest applied. In this case, I am satisfied that when Mr A's financial difficulties became apparent MBNA acted appropriately. It contacted, and attempted to contact, him on a

number of occasions, asked for more information, transferred the matter to its recoveries department, sent a notice of default and stopped applying interest or charges. I am not persuaded that it contacted him unreasonably or in any way harassed him. I am also satisfied that MBNA was entitled to use agents to pursue the debt and to sell it to a third party.

Overall, I consider that the bank acted positively and sympathetically to Mr A's financial difficulties.

Mr A says that other banks have treated him differently. That may well be the case but that is an example of each bank exercising its own commercial judgement. I do not consider that as a result MBNA was in any way obliged or required to do likewise.

So, although I recognise Mr A's strength of feeling, I see no compelling reason to change the proposed outcome in this case.

### **my final decision**

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

Stephen Cooper  
**ombudsman**