

complaint

Ms S complains that HSBC Bank is pursuing her for money she doesn't owe.

background

Ms S had an attachment of earnings order on her wages, which meant that money was taken directly from her salary to pay off a debt from a loan she took out with HSBC many years ago. When that debt was finally paid off, she discovered that there was another attachment of earnings order, set up more recently, which was still taking money for another debt. Ms S said there had been a mistake.

HSBC said that the loan that Ms S had been paying back was now paid off. But it had taken over loans and credit card accounts from another bank in the same group, and Ms S used to have a credit card with that business. She still owed some money from that. HSBC sent us details of the business that had purchased the debt from HSBC and said it suggested that Ms S should talk to them about the repayments.

Our adjudicator didn't uphold this complaint. She said that the attachment of earnings order which was still taking money from Ms S wasn't for the same debt as the loan. She didn't think HSBC had done anything wrong.

Ms S said she'd never had a credit card with the other bank. She still thought that HSBC had made a mistake.

Our adjudicator said that she'd checked with HSBC and it didn't have many records, because the account was sold a long time ago. But it did have records to show that Ms S took the card out in 2004, and it had records of its contact with Ms S in 2007 about payments onto the account. Our adjudicator still thought that HSBC hadn't done anything wrong.

Ms S said that she definitely didn't have that credit card, and HSBC couldn't prove she did. She said it must be a case of mistaken identity. Because Ms S didn't agree with our adjudicator, the case was passed to me for a final decision.

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've reached the same conclusion as our adjudicator.

At first Ms S said that she had paid off her loan. Her employer explained that there were two attachment of earnings orders on her salary, so the money that is being taken now is for a separate debt. And HSBC has shown us evidence of a separate debt, for a credit card instead of a loan. I can see that a credit card account was opened in Ms S's name in 2004. Payments onto the account stopped in 2007. So I can't see that HSBC has made a mistake here.

Ms S now seems to be saying that there has been a mistake about her identity. I haven't seen anything to make me think that's the case, and I can't see that Ms S has raised this with the bank, or discussed it with the business enforcing the debt. So I don't think that it would be appropriate for me to take a view on that in response to this complaint. Any future

complaint about mistaken identity would need to consider HSBC's evidence that it talked to Ms S about the debt in 2007.

I've considered Ms S's complaint, to the extent that I am able to do so, and I don't think it should be upheld.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms S to accept or reject my decision before 19 October 2017.

Esther Absalom-Gough
ombudsman