

complaint

Mr and Mrs B say Nationwide Building Society is wrong to hold them responsible for a number of transactions made using Mr B's card with a gambling website.

background

The money to fund the disputed transactions had first been transferred from Mr B's savings account using his confidential online banking details. Mr and Mrs B say the transfers and subsequent transactions were carried out without their knowledge or authority and probably by a dishonest family member staying at their home.

They also say they instructed Nationwide to block Mr B's card when they became aware of the transactions but, despite assuring them it had done so, Nationwide failed to do this, following which further disputed transactions occurred.

Having raised their complaint, Mr and Mrs B say Nationwide agreed to refund them, that it had blocked the wrong card and that it should have blocked the transactions anyway as they were obviously suspicious.

Our adjudicator did not uphold the complaint. She concluded Mr and Mrs B's recollection of their whereabouts at the crucial time did not tally with the evidence. She did not think the facts fitted a scenario of the transactions being carried out by a fraudster. She noted that any winnings would be paid into Mr B's account. She found no evidence that Mr and Mrs B tried to block the card at the earlier date or dates as they claimed. Nor was the subsequent, undisputed use of Mr B's card consistent with Mr and Mrs B believing the card had been blocked.

Mr and Mrs B asked for this review of their complaint by an ombudsman. They have written in with their several reasons for disagreeing with the adjudicator's conclusions. I am also aware of an email Mrs B has recently sent to one of my colleagues. He will reply to Mrs B but I am satisfied I have enough information in order to fairly decide this complaint.

my findings

I have considered all the evidence and arguments presently available to me, to decide what is fair and reasonable in the circumstances of this complaint. I wish to stress that this decision is for me alone to make. Even if Nationwide originally agreed to refund the disputed transactions, I still have to decide if I think that is the fair and reasonable outcome.

In a case like this, clarity of recollection of events which occurred fairly recently is in my view of considerable importance. In this respect, I note that Mr and Mrs B have failed to give a consistent or convincing account of their whereabouts at the material time. This inevitably has a damaging impact on their credibility, in the sense that it makes it difficult for me to rely on the accuracy of their recollections.

I see from the file, and in particular from notes of phone conversations between Mrs B and the adjudicator, that Mr and Mrs B first told us they were abroad on a Mediterranean island in late September 2012, but they corrected this to a town in England; in early October 2012 they said they were in northern England but this was then corrected to a south European country. And only belatedly have Mr and Mrs B said they moved house in the relevant period. This creates a very uncertain and confusing picture.

Like the adjudicator, I am not convinced Mr and Mrs B gave earlier instructions to block the card. The evidence doesn't support this claim. And I can see Nationwide's point about the earlier use of the account and betting websites: there was nothing unusual about the disputed transactions, so there was no good reason for Nationwide to query them.

In order to say Nationwide has acted wrongly, I would need to be reasonably sure that Mr and Mrs B's version of events was right and that the disputed transactions were not carried out, authorised or facilitated by them. For the reasons I and the adjudicator have given, I do not think I can safely come to that conclusion.

my final decision

I do not find Nationwide has acted wrongly in this case.

Roger Yeomans
ombudsman