

complaint

Miss D complains MKDP LLP wrongly recorded a default against her credit file. And she would like compensation for the trouble and upset she experienced as a result.

background

In 2013 MKDP contacted Miss D about a debt it had bought from a third party lender. And she became aware that MKDP had recorded a default against her credit record. She told MKDP the default was over six years old so it should no longer be recorded. But, Miss D had to search through her financial records and send further correspondence before MKDP would accept that the default should be removed.

MKDP says it investigated what Miss D said but the original lender said the default was correct. And MKDP removed the default and apologised to Miss D promptly when it discovered that was wrong.

Our adjudicator says it wasn't unreasonable for MKDP to rely on information from the third party lender. And she's satisfied it responded reasonably when Miss D complained. So she's not persuaded MKDP should have to pay Miss D any compensation in the circumstances.

Miss D says MKDP made a mistake and it should compensate her for the time and effort she spent – as well as the upset its actions caused.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. I have come to the same conclusions as our adjudicator for much the same reasons.

Miss D has mentioned that problems with the registration of this default occurred previously when the debt was with the original lender. So, for the sake of clarity, I should explain that here I am considering the actions of MKDP only.

There appears to be no dispute that this default should not have been recorded against Miss D's credit file. And I can see she has been upset and had to spend some time corresponding with MKDP to sort the matter out.

But for me to uphold Miss D's complaint I must be satisfied that MKDP did something wrong. This service provides independent dispute resolution. We are not a regulator and it's not our role to 'fine' or 'punish' financial businesses. And I am required determine Miss D's complaint by reference to what I consider to be fair and reasonable, in all the circumstances.

So I have considered carefully what happened. And I want to assure Miss D that I have taken everything she has said into account. But I'm not persuaded it was unreasonable for MKDP rely on what the original lender told it. I'm satisfied MKDP acted in good faith. And I consider it dealt with Miss D's complaint fairly and acted promptly to rectify her credit file. So I can't fairly find MKDP should do more.

I realise Miss D will be frustrated and disappointed by my decision. But, for the reasons I have given, I am unable to uphold her complaint.

my final decision

My decision is that I do not uphold this complaint. Under the rules of the Financial Ombudsman Service, I am required to ask Miss D to accept or reject my decision before 26 March 2015.

Claire Jackson
ombudsman