

complaint

Mr P complains that NewDay Ltd will not refund two payments he says he did not make with his credit card.

background

The two payments were made at an airport overseas and in total came to over £2,600. Mr P said he always had his card with him, had not disclosed the PIN to anyone, and had been working in this country at the time.

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

- The payments were made when the chip on the genuine card was read and the correct PIN entered.
- There was no explanation of how an unknown third party could have accessed both the card and PIN and used it abroad.

Mr P did not agree and said that he wanted his complaint to be reviewed. He said he has not let anyone else use the card.

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 won't be able to say exactly what happened here. But I'm satisfied, based on the evidence submitted by NewDay, that the genuine card was used for these payments. I note that Mr P has had the card since the time he opened the account and has used it himself. So, as he says, it is possible someone else saw him entering the PIN. He thought that this might have happened at a petrol station. But that wouldn't explain how someone was able to take his card without him knowing. That person would also have had to be able to use the card abroad and then return it back to him here again risking detection. And Mr P is clear that he had his card with him at all times.

So I'm unable to find that the most likely explanation is that these payments took place without Mr P's knowledge or authority. I know he will be disappointed when I say that I do not have a basis to require NewDay to take any more action.

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 Mr P to accept or reject my decision before 5 June 2017.

Michael Crewe
ombudsman