

complaint

Miss A complains that National Westminster Bank Plc won't give her back money withdrawn from her account without her permission.

background

On 15 March 2017, Miss A opened a new account with NatWest. She paid in £4,000, money she'd got from a student loan. NatWest sent the PIN for the new account to Miss A's address on the same day. And it sent a text to Miss A on 16 March 2017 to let her know her new bank card would be with her within 2-3 days. NatWest dispatched the bank card to Miss A on 16 March 2017.

Between 21 and 23 March 2017, Miss A's card was used to make a number of cash withdrawals and transactions. On 24 March 2017, Miss A called NatWest to ask why she hadn't received her bank card. During the call Miss A discovered her card had been used. Miss A told NatWest that the transactions on her account were fraudulent. And she asked NatWest to refund her.

NatWest reviewed the activity on Miss A's account. It wasn't convinced that Miss A hadn't made the transactions. So it refused to refund any transactions and closed Miss A's account. Miss A was unhappy that she'd been held responsible for transactions she'd not made. So she brought her complaint to the ombudsman service.

Our investigator reviewed the evidence. He was also aware that Miss A disputed all the withdrawals on the account and said they were fraudulent. He wasn't satisfied that there was a plausible explanation for how an unknown third party would've managed to gain possession of Miss A's bank card and PIN, especially when they were delivered to Miss A's address separately. And he saw nothing to show NatWest had done anything wrong. Miss A remained unhappy. So the complaint has come to me to decide.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've reached the same conclusion as our investigator.

It's worth saying my role is to decide whether NatWest has acted fairly in deciding not to refund Miss A. To do this I've looked at all the evidence.

Miss A says she never received the bank card and PIN from NatWest. And she says she rang NatWest on 24 March 2017 to let it know she hadn't yet received her bank card.

I can see NatWest sent a text message to Miss A the day after she opened her account to tell her they were sending her new debit card and PIN. I've seen these were sent separately from different locations. And on different dates. Miss A had told us nobody else had access to her house. So I've seen no obvious way her card and PIN could've been intercepted by somebody else.

In cases like this, I need to decide what I think is more likely to have happened. In this case, to support Miss A's complaint, I'd need to accept, for example, that the fraudster:

- was aware that Miss A had opened a new bank account
- knew Miss A had deposited £4,000 into her new account

- intercepted Miss A's PIN and then managed to intercept her bank card bank which were both sent to Miss A's address
- checked the account balance on 20 March 2017 and didn't make any withdrawals
- visited a branch to make a withdrawal (which increases the likelihood of being caught) and
- spread the spending over a three day period

In my experience, this would be unusual behaviour for a fraudster.

NatWest has given us a printout of Miss A's account. I can see that the disputed transactions were chip and PIN verified which means that Miss A's genuine card and PIN would've been needed in order to undertake the transactions. I can see there were no PIN errors when the disputed transactions were made. This showed the individual making the transactions was aware of the PIN. I've also noted that a number of cash withdrawals were made. Again this would've required Miss A's PIN.

I've also noted that £1,990 was withdrawn at a branch counter. The person withdrawing the money from Miss A's account, in all likelihood knew Miss A had a large amount of money in her account. I'm not sure who could've known that. They also knew no additional identification would've been needed other than the card and PIN themselves.

Having considered all the evidence, I'm not persuaded it supports Miss A's claim that the transactions were carried out fraudulently. I'm afraid I can't see how an unknown third party could've guessed the PIN correctly first time. And been aware Miss A had opened a new account and deposited a reasonable sum of money into it. In the absence of a plausible explanation for how this might've happened I think if she didn't make the withdrawals, she allowed someone she knew to do so.

I can see NatWest wrote to Miss A to close her account as she'd breached the terms and conditions. They've done nothing wrong there. I appreciate Miss A feels she's lost out on a considerable amount of money in her account. But taking everything into consideration, I don't think it would be fair to ask NatWest to refund £4,000 to her.

my final decision

For the reasons I've explained, I don't uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 19 January 2018.

Sharon Kerrison
ombudsman