

## **complaint**

Miss S complains that Aviva Insurance Limited hasn't paid her claim for a stolen mobile phone.

## **background**

Miss S's bag containing her phone was stolen from an unlocked lorry. The lorry was parked in a secure, private parking area.

Miss S telephoned Aviva to make a claim but Aviva said this wasn't covered. Unhappy, Miss S complained to Aviva and then to this service.

Our adjudicator didn't uphold the complaint but Miss S didn't agree and asked for an ombudsman to review her case.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Miss S's policy doesn't cover claims for phones stolen from an unattended vehicle unless;

- "b. the phone has been concealed in a locked boot, luggage compartment or enclosed glove compartment; and*
- c. the vehicle was securely locked and broken into by using force and/or violence;"*

I know Miss S has said the lorry was in a secure parking area with people around and her phone was in her bag. But, because the lorry was unlocked, her policy doesn't cover her claim.

I understand Miss S feels this is unfair but I don't think Aviva has done anything wrong and this exclusion is found in most, if not all, mobile phone insurance policies.

Because Miss S was unhappy with the way Aviva handled the telephone call, Aviva has given Miss S a £10 voucher. I think this is fair. Although Aviva and Miss S clearly had some problems understanding each other, I don't think the advisor spoke over Miss S or didn't give her a proper chance to explain what had happened.

## **my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 30 December 2015.

Colin Keegan  
**ombudsman**