

complaint

Mr R complains about how NewDay Ltd dealt with a disputed credit card transaction.

background

Mr R says he told NewDay about a disputed transaction of about £55 that was later refunded to him. He says NewDay asked him to complete a form which he did and sent it back to NewDay. Mr R says he then received a letter from NewDay asking him again for the form and so he contacted NewDay by telephone. Mr R says NewDay's advisor refused to pay his costs in sending the form again by recorded delivery and offered no alternatives as he wasn't prepared to pay for the form to be sent again. Mr R also says the advisor was rude and put the telephone down on him.

NewDay says it didn't receive the form and its advisor asked Mr R if he would like a new form but he refused and said it should have sent a pre-paid envelope. It says it told Mr R that it would not cover the costs of sending the form by recorded delivery but suggested Mr R resend the form. NewDay says Mr R said he didn't want another form and it didn't end the call in the way Mr R says it did. It says it did credit Mr R's account with the disputed amount without receiving the form and has paid £5 for Mr R's call costs.

Mr R brought his complaint to us but our investigator didn't uphold it. The investigator didn't think NewDay was responsible for the safe delivery of mail and thought Mr R could have resent the form by second class mail. The investigator didn't think Mr R had lost out in any event as NewDay honoured the chargeback and refunded him his money. The investigator listened to the call and didn't think the advisor was rude or put the telephone down on Mr R to end the call.

Mr R doesn't accept that view and maintains the advisor was rude and that it was NewDays's responsibility to provide a means of posting the documents. He would like an ombudsman's review of the investigator's view.

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 come to the same overall view as the investigator for the same reasons.

I appreciate Mr R says he sent the form to NewDay in the first place. But as the investigator has explained there is no evidence to suggest it lost the form and I can't fairly hold NewDay responsible for mail that was lost before it reached it. I accept Mr R would have been frustrated in those circumstances but I don't think NewDay was under any responsibility to provide Mr R with a pre-paid envelope or to pay for any costs in sending the form again by recorded delivery.

I've listened to the call between the parties and whilst I appreciate Mr R says NewDay's advisor was rude and ended the call between them, I'm satisfied that was not the case. I'm satisfied NewDays' advisor explained that she could resend the form to Mr R but he said he didn't want another form and would not resend it. I'm also satisfied that the advisor was polite throughout the call and didn't end the call in the way Mr R says by putting the telephone down. I think the call ended as I would have expected it to.

I'm satisfied overall NewDay hasn't made a mistake here or acted unfairly. I think Mr R could reasonably have resent the form by second class mail if he was concerned about the cost of resenting it. I think NewDay was trying to help Mr R with a fraudulent transaction but in any event it appears it refunded Mr R the £55 without the form. So I don't think Mr R has lost out financially as a result of what took place.

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 Mr R to accept or reject my decision before 4 November 2019.

David Singh
ombudsman