

complaint

Mr T complains that Vanquis Bank Limited ("the bank") won't refund him for transactions made on his credit card after it was lost.

background

In June 2014, Mr T says he lost his credit card. He said he didn't know whether it was actually lost or stolen, but he found that it was missing from his wallet.

As soon as he noticed transactions that he hadn't made he reported this to the bank and the police.

The bank wouldn't refund Mr T for the transactions as it said they were all made using the genuine card with the correct PIN.

Mr T had said that he hadn't written his PIN down anywhere, so there was no obvious point of compromise.

In addition, the bank was able to show that a call had been made from Mr T's mobile to check his card balance during the period in which he says the card was lost, and at that time Mr T didn't query the balance increase.

The bank also felt that the disputed transactions reflected Mr T's previous legitimate card usage, suggesting that he himself had continued using the card.

Mr T wasn't happy with the bank's response. He brought his complaint to this service, where our adjudicator considered all of the evidence and concluded that it was more likely than not that Mr T had known about, and authorised, the transactions.

Mr T didn't agree, and sought referral to an ombudsman.

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'm in agreement with our adjudicator that the bank isn't wrong to refuse to take responsibility for the transactions.

I say this because for me to accept that Mr T wasn't involved in making the transactions would leave open the question as to how somebody was able to discover his PIN number, and would also fail to explain why when Mr T used his mobile to check his balance he wasn't alerted at that point to the unauthorised spending.

Given that the first disputed transaction was a cash withdrawal of £300, I'm satisfied that this was sufficiently large to be noticeable to Mr T and I'd have expected him to have reacted to it sooner than he did.

I'm afraid that given these factors I'm not convinced that it's more likely than not that Mr T didn't have any involvement in these transactions being made.

I think that the evidence tends towards the conclusion that Mr T did know about them, and therefore it wouldn't be right for me to ask the bank to issue him with a refund.

For these reasons, I can't uphold the complaint.

my final decision

My final decision is that I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr T to accept or reject my decision before 8 June 2015.

Ashley L B More
ombudsman