

complaint

A complaint has been brought on behalf of a limited company "S". The director says that TSB Bank plc will not refund payments of £14,000 that S did not make.

background

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

- The director had told her that the company debit card used to make the payments was always with him and that he lived alone.
- For each of the online payments all the card details were entered correctly including the security number on the back.
- There was no clear way in which this information had been obtained by a fraudster.
- The account had tended to be used on a daily basis before these payments.
- This pattern changed and there was no other use of the card during the period of the disputed payments from 2 to 13 April 2015.
- She thought this meant it was likely that S knew about the payments to the account.

S did not agree and said, in summary, that the spending pattern was not a relevant measure. It said that the card details were compromised.

my findings

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

The adjudicator has set out the key points in this complaint and I have little usefully to add. The director of S has said that there are no employees in the company and it appears he operates S from his home address. He did not lose the debit card and said it was always in his possession. There were a whole series of payments over a number of days that are in dispute. I don't have a reasonable basis to conclude that TSB should refund these payments.

my final decision

In light of the above my decision is that I do not uphold this complaint.

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

Michael Crewe
ombudsman