

complaint

Miss G complains that NewDay Ltd will not refund transactions on her credit card account she said she didn't make or allow anyone else to make either.

background

Miss G made genuine transactions using her card while she was abroad. But Miss G has also disputed transactions that took place in the same country during the period she was away and continued after she returned home. She said that her card was with her or kept in a hotel safe. She reported it missing to NewDay on 8 February 2015. She told it she had noticed she did not have it at the airport before she flew home on 6 February 2015.

The adjudicator did not recommend that the complaint be upheld. She said that the disputed transactions were made using the genuine card and the correct PIN. She said that it was unlikely that someone had unauthorised access to the card in between the genuine transactions made by Miss G. There was also no explanation of how the PIN would have been obtained. Although transactions continued after Miss G returned home, there was no reasonable explanation of how these took place without her authority.

Miss G did not agree and wanted her complaint to be reviewed by an ombudsman. She has provided details of her flight times and other evidence about when she returned home. She said that there must be another way in which the transactions happened.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

The adjudicator has set out the main points about this complaint and there is little that I can usefully add. I have seen evidence that disputed transactions were made in which the chip on the genuine card was read and the PIN correctly entered before and after Miss G returned home.

To find that the disputed transactions were unauthorised I would need to find all of the following more likely than not:

- A fraudster could somehow gain access to Miss G's card without her knowing and replace the card each time when it had been used.
- That fraudster also somehow found out Miss G's PIN.
- The fraudster was able to take the card before Miss G left to return home and continued to use it without her authority.
- There was an explanation why Miss G did not report the card as lost or stolen any sooner as she would be naturally concerned by this.

I am afraid that these are not all findings I am able to make on the evidence. I know Miss G will be disappointed when I say that I do not consider that these transactions should be refunded.

my final decision

My decision is that I do not uphold this complaint

Under the rules of the Financial Ombudsman Service, I am required to ask Miss G to accept or reject my decision before 28 September 2015.

Michael Crewe
ombudsman