

complaint

Mr G has a store card with Home Retail Group Card Services Limited (HRG). HRG has instructed a debt collection agency to recover from Mr G a debt that, it says, is linked to this account and belongs to him.

Mr G complains that HRG has not supplied evidence to show the debt belongs to him. He wants HRG and its agent to stop pursuing him for this debt.

background

Mr G asked for a signed copy of HRG's store card agreement with him, as evidence that the account belonged to him and the debt was his. HRG supplied a copy of this document, although it could not find a signed copy. But it was able to supply account statements from December 2012, showing purchases and payments made by Mr G.

Our adjudicator did not think the complaint should be upheld. She said it was clear from the statements that Mr G had made purchases, and had also made payments to clear the account balance. This satisfied her that Mr G had acknowledged ownership of the account and the debt. She concluded that HRG had not acted in error.

Mr G disagreed with our adjudicator. He said the statements did not show that the debt belonged to him, and asked for his complaint to be reviewed by 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. Where evidence is incomplete, inconsistent or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available evidence and wider circumstances.

Mr G argues that HRG has not shown that the debt belonged to him. HRG argues that Mr G does own the debt, and has supplied account statements as supporting evidence.

On balance, I agree with our adjudicator that the statements are sufficient to show the account (and the debt) belongs to Mr G, and that it is not necessary for HRG to supply a signed copy of the card agreement, in order to establish ownership. I also agree with our adjudicator that, under the terms of the card agreement, HRG is entitled to use debt collection agents to collect payments on its behalf.

This means I find that I have come to the same conclusion as our adjudicator, for the same reasons.

my final decision

For the reasons explained above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 19 November 2015.

Roy Mawford
ombudsman