

complaint

Mr N complains that MKDP LLP is wrongly pursuing him for a debt which isn't his and has continued to chase him to repay the debt after he complained.

background

Mr N says that MKDP are chasing him to repay a credit card debt that he doesn't owe. He says that MKDP has refused to send him a copy of the credit agreement and has chased him for the debt after he raised a dispute. He is unhappy that adverse information is recorded on his credit file about this debt. MKDP said that it would hold collection activity for 10 weeks so that Mr N could complain to the original credit card provider.

Our adjudicator didn't recommend that the complaint should be upheld. After looking at the online application form for the credit card she thought it was likely that the debt was Mr N's and MKDP hadn't done anything wrong in chasing Mr N to pay it back. Mr N didn't agree and said in summary that the debt wasn't his and MKDP had chased him for payment while his complaint was being investigated.

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 have reached the same conclusions as the adjudicator for broadly similar reasons. Where there is a dispute about what happened, I have based my decision on the balance of probabilities – in other words, on what I consider is more likely to have happened in the light of the evidence.

I have considered the details provided in the online application form for the credit card. I can see that the details broadly match Mr N's. Letters and credit cards would have been sent to Mr N's address on the application form and this matches the address on Mr N's credit file. Overall, I think it is likely that he applied for the credit and the debt is his. It follows from this that MKDP hasn't done anything wrong by asking Mr N to repay the money.

Mr N has said that MKDP continued to chase him to pay the money back while this service was investigating and after it said the account was on hold. I haven't seen anything that would confirm this from Mr N. But because I think that the debt belongs to Mr N and MKDP haven't done anything wrong in asking him to pay it back, even if it did chase him while the complaint was being investigated I don't think this was unreasonable.

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 N to accept or reject my decision before 7 October 2015.

Emma Boothroyd
ombudsman