

complaint

Mr M complains that Nationwide Building Society will not refund payments to an online gambling site he says he did not authorise.

background

Mr M set up an online gambling account used through an application on his smartphone. He made transactions using his Nationwide debit card. But he said that he did not recognise 12 debits totalling £4,970 and two credits totalling £1,250. He wants the net amount refunded to him.

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

- Mr M did not report losing his smartphone.
- There was an earlier transaction on the same day as some of those disputed which Mr M had not said was fraudulent.
- Nationwide reported that the 'IP address' recorded for the transactions was the same as for those that weren't disputed.
- There was no advantage to a fraudster if any winnings were paid back to Mr M's bank account.
- She did not think it was likely that these transactions were not authorised.

Mr M did not agree and said that he could not understand the actions of any fraudster. Although he hadn't reported an earlier transaction as fraudulent that was because he could not remember whether he made it. He is unhappy at how long it has taken this service to come to the same answer that Nationwide gave him.

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 all the main issues in this complaint and I have little usefully to add. She asked Nationwide a number of questions about what happened. It took time for these to be dealt with- and I don't think that was unreasonable.

Nationwide has been in contact with the online gambling merchant. It said that the smartphone application creates an award wallet from which credits and debits can be made. I agree with the adjudicator that it's highly unlikely that a fraudster would want credits to be made back to Mr M's bank account. The other information about these transactions is consistent with them all being authorised. So I don't have a reasonable basis to require Nationwide to make a refund to Mr M.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 5 November 2015.

Michael Crewe
ombudsman