

complaint

Miss E complains that The Royal Bank of Scotland Plc will not refund a series of disputed debit card transactions made to her account which have affected her credit record.

background

Miss E opened an account with RBS in January 2014. She has made a number of claims about disputed transactions on her account to online gambling companies. She also said that there were unauthorised cash withdrawals. The online payments were initially refunded so that a chargeback could be attempted. RBS decided that all the transactions were authorised and, when they were re-debited, an overdraft of over £4,000 resulted. When this was not repaid RBS issued a default notice and transferred the balance to its recoveries department.

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

- He considered the chargeback process had been applied properly.
- The online gambling accounts had been set up in Miss E's name.
- Although Miss E had said she had lost her handbag- and which might have allowed a fraudster to open an online account- the fraudster could not access any winnings (these would be paid back to the original account through the debit card details).
- The transactions had continued with the replacement cards that had been issued and it was not clear how a fraudster would have obtained the new information.
- Miss E said some builders in her house might have accessed a letter about her PIN but RBS said this had not been issued at that time.
- It was reasonable for RBS to hold Miss E liable for the debt.

Miss E did not agree and said, in summary, that the online accounts were not hers, that she did not receive the chargeback forms to sign and she wants to see valid evidence to show that the transactions were made by her.

my findings

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

To be frank I am finding it difficult to believe Miss E's account of what happened for the following reasons:

- Miss E had six debit cards issued to her account with the first in January 2014 and five replacements by June 2014 and she has made claims about the fraudulent use online of at least four of these.
- She said that she did not recognise the first transaction to her account in January 2014 but she made legitimate transactions with the debit card after this and before she said her handbag was stolen.
- Although Miss E said she never received chargeback forms from RBS to complete, this is counter to its records of the repeated phone calls it had with her when it extended her chargeback requests several times.
- Miss E disputed two cashpoint withdrawals in April 2014 but RBS had shown that she was in a branch eight minutes before the first- making a separate complaint- and was then in possession of her card to verify her identity.

- Although Miss E said that builders in her property had opened a letter enclosing her PIN at around that time, the records from RBS show that only one advice of PIN was sent out in January 2014.
- The transactions she disputed in June 2014 were made to an online gambling company which had shown how it had verified Miss E's identity and said that she had had an account since 2011.
- That company had the used the details of Miss E's sixth debit card on the account to take payments of a total of £1,000 which she disputed.

To find that all these transactions were unauthorised I would need to accept that somehow a fraudster had been able to access several of Miss E's cards. And this would be despite her naturally becoming more concerned that she was being repeatedly targeted. I'd also need to believe that such a fraudster simply enjoyed gambling because it wouldn't have been possible to access any winnings. I find this set of circumstances highly unlikely. I think the most likely explanation of what happened is that Miss E authorised these transactions.

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 Miss E to accept or reject my decision before 25 September 2015.

Michael Crewe
ombudsman