

complaint

Ms T complains that Europäische Reiseversicherung AG (ERV) should pay her claim on her travel insurance.

background

Ms T had travel insurance underwritten by ERV. She travelled to a Commonwealth country where she suffered problems with her heart and her lungs. She complained that ERV called for her medical records and then said it wouldn't help her.

The adjudicator didn't recommend that the complaint should be upheld. He thought that the insurer could decline Ms T's claim because of the exclusion clause relating to pre-existing medical conditions.

Ms T disagrees with the adjudicator's opinion. Her friend says, in summary, that Ms T disclosed her heart and lung conditions to the best of her ability.

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 I refer to ERV I include other parties for whose actions I hold it responsible.

Ms T was in hospital for five weeks in mid-2013 being treated for alcoholic hepatitis.

In early 2014 she was short of breath. Doctors arranged an X-ray and other investigations. They diagnosed the following medical problems:

- dilated and impaired left ventricle
- tricuspid regurgitation
- mitral regurgitation
- dilated atria – left and right
- raised pulmonary artery systolic pressure
- impaired lung function

Later that year her medical records contain the following entry:

“has [significant] lung damage and atrial dilation....”

Ms T was taking Atenolol, and had repeat prescriptions for Thiamine, Omeprazole and vitamin B.

When she applied for travel insurance in April 2015, ERV asked Ms T clear questions about her medical history in the previous two years.

In response to this, Ms T said she had a fast/irregular pulse. She mentioned Atenolol but not the other prescriptions. She declared impaired contractility.

A couple of months later Ms T was taken ill on holiday. Doctors diagnosed:

acute coronary syndrome: acute NSTEMI
cardiac failure
co pulmonale [cor pulmonale]
severe bilateral pneumonia

Doctors fitted a stent for her heart.

I accept that pneumonia was a new condition.

But I accept the evidence of ERV's medical officer that Ms T's claim was directly or indirectly linked with the heart and lung problems which she had when she took out the policy.

From the telephone recording, I'm not all satisfied that Ms T took reasonable care to give correct answers.

And – if she had given careful answers – I don't think ERV would have offered her cover at all.

I keep in mind the relevant law and policy terms. I don't find that ERV treated Ms T unfairly by turning down her claim. I don't think it would be fair and reasonable to order ERV to make any payment to Ms T.

my final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint. I make no order against Europäische Reiseversicherung AG.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms T to accept or reject my decision before 8 February 2016.

Christopher Gilbert
ombudsman