

complaint

Mr V complains that AXA Insurance UK plc did not arrange for the proper repair of his car when he made a claim on his motor insurance policy.

background

Mr V's car left the road after a lorry hit it in the side. AXA arranged for its repair. But Mr V later complained that AXA should have repaired its steering.

The adjudicator did not recommend that the complaint should be upheld. He did not conclude that the steering was damaged in the accident. He said that the damage caused in the accident was not near the steering rack. And no suspension damage was reported, he said.

Mr V disagrees with the adjudicator's opinion. He says the lorry forced his car off the road and it hit a kerb at high speed. When he got the car back from AXA's repairer, the reservoir for the power steering fluid was empty, he says.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

I have seen an invoice for a pre-MOT inspection of Mr V's car dated a few days before the accident. So on balance, I accept his garage's statement that there were no signs of leaking from its steering rack. But I note that the invoice records a registration number consistent with a vehicle about seven years old. It also records a mileage of about 177,300. And the garage acknowledges that steering rack seals will weep over a period of time.

I also accept Mr V's statement that his car hit a kerb at speed. But in its inspection report and estimate AXA's repairer did not mention damage to any wheel, suspension or steering components. It also took a photograph of the odometer reading about 172,000. On balance I consider this to be more reliable than the figure recorded in the invoice from Mr V's garage.

And I have seen a report of a steering geometry test which was clear before the repairer returned the vehicle to Mr V.

I have no reason to doubt Mr V's statement that he told the repairing garage that the steering was heavy and that – on its advice – he filled up the power steering fluid. But I note that he did not complain until a couple of months later. And the repairing garage said that he had done about 5,000 miles since the repair.

I have seen another invoice from Mr V's garage - for a new steering rack. It records a mileage of about 177,700.

I have weighed up the conflicting reports of AXA's repairer and Mr V's garage. I place weight on the geometry report. Therefore I do not consider that the accident caused damage to the

steering. And I am not persuaded that it would be fair and reasonable to order AXA to reimburse Mr V for the invoice from his garage.

my final decision

For the reasons I have explained, my final decision is that I do not uphold this complaint. I make no award against AXA Insurance UK plc.

Christopher Gilbert
ombudsman