

complaint

Mr D and Mr Q complain that GE Money Home Lending Limited should take account of their serious health issues and financial difficulties and write off the remaining balance of their debt with it.

background

I set out the background to this complaint in my provisional decision. In which I said that I did not intend to uphold the complaint because I had reached the following conclusions:

- There is no dispute that Mr D and Mr Q have had the benefit of the money that they now want GE Money to write off. In normal circumstances it would be reasonable to expect them to repay the money. But I took on board that they have said there is no realistic prospect of them ever being able to repay the debt because Mr D is seriously ill and Mr Q's health is failing too. Because of this they said they are now facing grave financial difficulties.
- But GE Money has said it would consider clearing the debt provided Mr D and Mr Q provided an appropriate update on Mr D's health from a medical professional and an income and expenditure form. It had been well over six months since this information was requested and it has not yet been provided.
- I concluded it was reasonable in the circumstances for GE Money to ask for this information before considering writing off the debt. I further concluded that it could not be expected to wait indefinitely for it.

I invited the parties, to respond to my provisional decision.

GE Money said it had nothing further to add.

Mr Q responded to say that he was unable at this time to provide any further information about Mr D's health because he was still waiting for Mr D's hospital to confirm when he will be having his treatment. He said he would provide information about their income and expenditure. But to date we have not received this information.

Mr Q also pointed out that in his opinion and in Mr D's, GE Money had dragged this whole process out over eight years and had caused them to lose their home. They asked me to take this into account. They reiterated that they considered they are owed compensation by GE Money for all of this.

my findings

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

I sympathise greatly with Mr D's and Mr Q's predicament. However, I simply cannot fairly ask GE Money to write off the debt in these circumstances. Mr D and Mr Q say there is no realistic prospect of them being able to repay the debt but they have not provided the information to support this.

The most recent information we have about Mr D's health from a medical professional is from 2009. Further, it appears that Mr Q is in full time employment. So it is reasonable in the circumstances for GE Money to ask for up to date information.

It would have been sufficient for Mr D's doctor to have written to us confirming Mr D's current state of health even if Mr D's hospital has not given him a firm date for his treatment. Further, it is reasonable for GE Money to ask them about their income and expenditure so that it can make an informed decision about how best to assist them with the financial difficulties they tell us about.

I appreciate that Mr D and Mr Q may well have many pressing matters on their minds at the moment. I cannot rule out the possibility that Mr D and Mr Q have failed to provide the information we have asked them for because Mr D is so ill and Mr Q has his hands full coping with caring for him. I also realise that added to this not only have Mr D and Mr Q lost their home they have also recently moved. I recognise they are having an extremely challenging time.

That said, in the circumstances, I cannot fairly ask GE Money to write off the debt at this point. I say this with considerable misgivings. But should Mr D and Mr Q provide the information set out above after I have issued this final decision, I would ask GE Money to take this on board and consider again whether they might write off this debt at that stage.

my final decision

My final decision is I do not uphold this complaint

Under the rules of the Financial Ombudsman Service, I am required to ask Mr D and Mr Q to accept or reject my decision before 24 December 2014.

Joyce Gordon
ombudsman