

## **complaint**

Mr K complains that MBNA Limited have been harassing and intimidating him over a debt. He doesn't feel it has any right to pursue him because of his age.

## **background**

Mr K says MBNA have inundated him with phone calls and letters. Although his account is in debt he understands that as he is over eighty years old MBNA can't pursue him for the debt.

Mr K hasn't told us what redress he would like.

MBNA has apologised to Mr K. But explained that it has acted correctly. And as his account is in arrears it will continue to be in contact with him. But did say it would try where possible to write rather than contact Mr K by phone.

Our investigator didn't uphold the complaint. She didn't feel MBNA had done anything wrong.

Mr K doesn't accept this. He feels MBNA have acted improperly towards him. And he feels MBNA have tried to unduly influence our decision by providing us with information.

## **my findings**

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

I realise Mr K is going to be disappointed. But I've reached the same conclusion as investigator. And for much the same reasons.

There doesn't seem to be any dispute that Mr K stopped making payments to his MBNA account after August 2016. As a result Mr K's account has defaulted. And he has an outstanding debt of over two thousand pounds.

Mr K feels MBNA has harassed and intimidated him. I've seen copies of standard letters that MBNA has sent Mr K about his outstanding debt. And letters MBNA has sent in response to Mr K's complaint. I don't feel any of these are intimidating.

I appreciate MBNA has sent Mr K a number of letters about his outstanding debt. But we would expect businesses to be in touch with consumers about outstanding debts. This gives consumers a chance to sort out their debts. So I don't think MBNA is at fault here.

I can see from the account notes that MBNA has called Mr K a number of times. I appreciate phone calls can be annoying. MBNA has apologised. And said where possible it will contact Mr K by letter in the future. But has also said if Mr K doesn't respond to letters it may need to call him. I think this is a reasonable response in the circumstances.

Mr K feels MBNA has no legal right to pursue him for his outstanding debt due to his age. Unfortunately debts can't just be written off because of someone's age. I don't think MBNA has done anything wrong. So I don't think I can reasonably ask MBNA to write off Mr K's . Or debt or to compensate him if that is what he wanted.

As I understand it Mr K also feels that MBNA has unduly tried to influence the Ombudsman Service. He referred in particular to a letter from MBNA dated 15 May 2017. I've seen this letter it confirms that MBNA has terminated Mr K's credit agreement. I'm not sure why Mr K feels this would unduly influence this service. But I can assure him that it hasn't.

Mr K has also said that MBNA shouldn't try to influence our decision by sending any documents to us. MBNA has provided us with information. At our request. This is our usual practice. We ask both businesses and consumers to give us as much information as possible. This is to help us to consider the views of both parties. And to make a fair decision. So MBNA hasn't done anything wrong in giving us information.

### **my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 26 July 2017

Bridget Makins  
**ombudsman**