

complaint

Mr A complains that Barclays Bank Plc has not refunded transactions that he says he did not make or authorise.

background

Mr A told Barclays that his debit card had been stolen and that several withdrawals and retail payments had been made without his knowledge or permission. He said he had last used his card the day before the disputed transactions began.

He also said he did not recognise three transfers that had been made into his account on the same day as the first disputed withdrawal. The bank did not reverse these three transactions and the money remained credited to Mr A's account.

The disputed transactions took place on two days – a Thursday and the following Sunday. The account balance was zero to begin with. The withdrawals and retail payments on the Thursday were largely covered by the money paid in on the same day from the unrecognised source. The disputed transactions on the Sunday were largely covered by an online transfer from Mr A's own savings account that day.

After an investigation, Barclays declined to refund the disputed withdrawals and retail payments, saying that the genuine card and the correct PIN had been used. The bank also said there were no attempts to use the card after it was cancelled. Mr A was unhappy with the bank's response and referred his complaint to this service.

Our adjudicator did not recommend that the complaint should be upheld. Briefly, she said:

- The chip on the card was read and the correct PIN was entered to authorise the transactions.
- Mr A stated that no one knew his PIN and it was not recorded in any format or kept in his wallet. She could not understand how anyone could have discovered Mr A's PIN. If he had been observed keying in the PIN when he last used it, it would be unusual for a fraudster to wait more than a day before attempting to use the card, given the risk that it could have been cancelled.
- Mr A said he was not aware how anyone was able to access his card, and he just assumed it was stolen.
- After reviewing all the evidence and information available, she did not believe that Barclays acted incorrectly in holding Mr A liable for the transactions.

Mr A did not agree with the adjudicator's conclusions. He said he did not make the transactions and he suspects someone he knew who had serious gambling debts. Mr A also said he did not make the online transfer from his savings account on the Sunday.

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 am satisfied that the correct PIN was used for the transactions and I agree with the adjudicator that it is difficult to see how a fraudster could have obtained the PIN.

Mr A now also says that he did not make the online transfer which put funds into his account to cover the second batch of disputed transactions. But if a fraudster made the transfer, he or she would have needed to know Mr A's online banking security details. Again, there seems to be no explanation how an unauthorised person could have obtained this information. I think it is unlikely that a third party would have had the opportunity to discover Mr A's PIN, to steal his card and to obtain his internet banking details.

Where the evidence is incomplete or 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 more likely than not to have happened in the light of the available evidence and the wider circumstances.

Taking all the evidence into account I believe it that the disputed transactions were made either by Mr A or by someone else with his permission. I therefore do not find that Barclays acted unfairly or unreasonably in declining to refund them.

my final decision

My final decision is that I do not uphold this complaint.

Colin Brown
ombudsman