

complaint

Mr J has complained that Usman International UK Ltd did not send the money he requested to an overseas destination. And when that was never successfully delivered, he was never refunded.

background

In October 2012, Mr J deposited a cheque for £5,000 at an agent of Usman International UK Ltd. He asked this money to be sent to a bank overseas to be collected by an acquaintance, Mr T. The money was never available at the specific bank and Mr T was never able to collect the funds. As Mr J was not able to get his money back, he complained to the ombudsman service.

Our adjudicator carried out a very detailed examination, including discussing the complaint with the representative, Mr L, who had accepted the cheque. He felt that there was no evidence to show that the cheque had ever been deposited in the proper account and he asked Usman International to refund Mr J £5,000 and £250 for the inconvenience.

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 a balance of probabilities – that is to say, what I consider is most likely to have happened in the light of the evidence that is available and the wider surrounding circumstances.

There are a few facts in this case that are not in dispute. These are:

- Mr J deposited a cheque with Mr L, the representative for Usman International;
- The equivalent of £5,000 was sent to a bank overseas;
- This bank was not the bank named by Mr J as part of his original instruction; and
- Usman International is no longer an '*authorised payment institution*'. The Financial Conduct Authority cancelled the registration in January 2014.

At the same time, there are a number of aspects which are disputed by one party to the complaint or the other. These include whether Mr J first complained back in 2012 or took over 15 months to complain to Mr L that Mr T had never received the money.

And more importantly it has proven difficult to discover exactly where the money was returned to when it came back from overseas. I am not completely surprised at this as Usman International no longer has authorisation and is currently marked on Companies House register as '*active proposal to strike off*'.

From these facts alone, I am satisfied that Usman International never fulfilled Mr J's original instruction and it is only fair that they refund £5,000. Our adjudicator made it clear to Mr J that although he thought that his complaint should be upheld, because of the doubt over the company's future, it was more than likely that Mr J would not receive the full redress without taking enforcement action.

I have reviewed the evidence that both parties have provided to us and it is fair to say that there are clear differences about what happened at different times. Both parties' evidence,

on occasion, contradicts each other. However this has not really had an impact on my decision as I am in no doubt that Usman International never followed Mr J's original instruction.

Our adjudicator felt that Mr L had not dealt with Mr J's complaint effectively and that Usman International should pay Mr J £250 for the inconvenience caused. I broadly agree with his reasoning and consider this to be fair.

It's worth adding that I also consider that Mr J may well have difficulty in securing redress that I consider is fairly his. Our recent correspondence with Mr L, on behalf of Usman International, has been returned to us marked '*gone away*'. I am sorry that I can't hold up more hope that this will be resolved simply.

my final decision

For the reasons stated above, my final decision is to uphold Mr J's complaint and I instruct Usman International UK Ltd to pay him:

- £5,000 as the original amount to be transferred, with 8% simple interest added from 15 October 2012 to the date of settlement; and
- £250 for the inconvenience caused.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr J to accept or reject my decision before 12 January 2015.

Sandra Quinn
ombudsman