

complaint

Mrs T complains that Marlin Europe Limited has been asking her to repay a debt that she cleared in 2007. Mrs T wants Marlin to close the account, apologise and pay her compensation for the way she has been treated. Mrs T is helped with her complaint by a relative.

background

Mrs T had a debt with a bank. She says she cleared the debt in 2007. Marlin – a collections agency – says it bought the debt from the bank in late 2007 and the debt still exists.

Mrs T had a current account with the bank. In late 2007 she was overdrawn by about £350. The bank sold Mrs T's account to Marlin and Marlin has since been asking Mrs T to pay this. The balance had increased to about £380 by the date of the transfer.

Mrs T says she has a statement with a nil balance proving that she paid this debt. Marlin says that was for administration purposes only and was the bank clearing the debt off its systems to transfer it to Marlin. Mrs T disputes this although she has been unable to provide any evidence of her making a payment to clear the debt.

The adjudicator did not recommend that this complaint should be upheld. She concluded that Marlin had acted in good faith on the information provided by the bank at the date of transfer and so had not been unfair when it – and its agents – asked Mrs T to repay the debt.

Mrs T has responded to say that there was no debt and that Marlin has hassled her for payment of a non-existing debt. She has asked for an ombudsman's review.

my findings

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

When Mrs T complained to Marlin that it was pursuing her for a debt she had paid, Marlin went back to the bank that had sold it the debt. That bank confirmed that the debt did exist. I appreciate that Mrs T has a statement with a nil balance – but I am satisfied by the bank's explanation that this was part of its administration procedure when closing the account. I say this because this is normal banking practise, and a statement from a few days earlier showed a similar overdrawn balance. Mrs T cannot provide any evidence that she paid this.

I am also satisfied that this means that Marlin was acting in good faith when it and its agents asked Mrs T to repay the debt.

Mrs T will need to raise a complaint directly with the bank, about paying the debt prior to it being transferred to Marlin, before this service can consider that. And I understand that Marlin has offered to respond directly to a separate complaint about the age of the debt. That is a fair response as this service cannot consider complaints before the business has had a chance to respond.

my final decision

My decision is that I do not uphold this complaint

Susan Peters
ombudsman