

complaint

Mr M complains that Creation Financial Services Limited won't refund to his account a payment that he says he didn't make or authorise.

background

Mr M's card with Creation and his PIN were used to make a payment of £15.48 to a supplier in December 2015. Mr M complained to Creation that he hadn't made or authorised the payment. He wasn't satisfied with its response so complained to this service.

The adjudicator didn't recommend that this complaint should be upheld. He was satisfied that Mr M's genuine card was used and that the PIN was correctly entered at the first time of asking. So he concluded that whoever did the transaction had access to Mr M's card and was aware of his PIN.

Mr M has asked for his complaint to be considered by an ombudsman. He says, in summary, that:

- the supplier to which the payment was made deals in nursing equipment – and he has never purchased nursing equipment and has no need to do so;
- the supplier's premises are a boarded up, empty shop in the centre of the town in which he lives and that local enquiries suggest that it hasn't traded for some time;
- if the supplier operates an online service – he hasn't used it and there would be details to confirm any such transactions; and
- he takes the greatest exception to the suggestion that he is being dishonest.

my findings

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

According to Companies House records, the supplier is active and filed a return in 2015. Creation has provided evidence to show that the chip in Mr M's card and Mr M's PIN were used to authorise the payment – and that the correct PIN was entered the first time. I find it to be unlikely that a third party would've been able to use Mr M's card without his knowledge or consent and that they would also have known – or been able to find out – his PIN. So I consider it to be more likely than not that the payment was made by Mr M or by someone using his card with his approval.

I find it wouldn't be fair or reasonable in these circumstances for me to require Creation to refund the payment to Mr M's account or to take any other action in response to his complaint.

my final decision

For these reasons, my decision is that I don't uphold Mr M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 1 August 2016.

Jarrold Hastings
ombudsman