

complaint

Miss A's complained Santander UK Plc won't refund transactions she said she didn't make.

background

Miss A disputed several transactions to a merchant - an online gambling website. The transactions were made between 7 and 17 May with her debit card. She denied making them. She said someone had stolen her card and mobile phone sometime between 7 and 10 May

She asked Santander to refund the money but it refused.

It said its investigations showed she had an existing account with the merchant. The disputed transactions were made from this account. They were also made from the same IP address she'd used for genuine payments to the merchant. And she'd used this IP address to log on to her online banking.

Miss A wasn't happy with this response so she brought her complaint to this service.

Our adjudicator didn't think there was sufficient evidence showing the transactions had been carried out by an unknown third party. So he didn't ask Santander to refund the money.

Miss A disagreed and so this case has come to me for a final decision.

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'm afraid I don't think the evidence supports Miss A's claim that an unknown third party carried out the disputed transactions. I'll explain why I think this.

The transactions were made from Miss A's account with the merchant and from the same IP address she'd used before. Not only that, the merchant said the disputed transactions were spent on the same betting pattern used by her.

She'd also received a credit from the merchant which she didn't dispute. She said this was because she had an account with it. The last genuine bet was on 26 April. But the credit was paid to her on 11 May – after two payments on 7 and 8 May. I think the credit was probably linked to one of these two bets.

I also found Miss A's inability to remember events when questioned unconvincing.

She couldn't remember when her card went missing. She said she only realised it was missing when she checked her balance and noticed it had reduced. According to Santander's files, she reported it as missing when she complained about the disputed transactions which was on or around 23 May.

Yet, her banks statements show she used her card frequently – almost every day and sometimes more than once a day - so it seemed unusual for her not to have noticed her card was missing. I understand she's said she was on study leave and didn't need to go out but

she resumed her frequent use of her debit card from 31 May. The one week of inactivity looks very much out of character.

She also couldn't remember if she'd stored her PIN in her mobile phone. She couldn't remember how long she had her phone. And she said she didn't report the loss of her phone: she just got a new pay as you go sim card.

Based on this evidence, I'm afraid I don't think it's plausible an unknown third party carried out the disputed transactions and I don't think it would be fair to ask Santander to refund the money.

I'm sorry to disappoint Miss A but I hope I've explained clearly the reasons for my decision.

my final decision

My final decision is I won't be asking Santander UK Plc to do anything.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 23 January 2017.

Razia Karim
ombudsman