

## **complaint**

Mr B complains that Metro Bank Plc won't refund four debit card payments made with his card. Mr B says he neither made them nor authorised anyone else to do so. Metro Bank says that they were made using the genuine card, and three of them were made using Mr B's PIN. It says it follows that he was either involved or that he didn't take proper care of his card and PIN.

## **background**

Mr B has explained that he was visiting relatives in the USA at the end of 2017 and in early 2018. He took a number of cards with him, including his Metro Bank card, although he didn't use it while he was there.

On 10 January 2018 the card was used to make four purchases, totalling just over £4,000. One was a low value contactless payment, but Metro Bank says the others were made using the card's chip and were verified by the use of the PIN associated with the card. I'll return to that issue later.

Mr B has provided evidence that he returned to the UK on 9 January - the day before the disputed payments. He called Metro Bank on 10 January, having tried to pay rent and found out that he had less money in his account than he should have had. He explained that he'd found out he didn't have his card with him, having checked his belongings on his return from the USA. He said however that he hadn't kept a record of his PIN and was unsure how anyone could have used the card.

Metro Bank looked into what had happened. It said that three of the payments had been made using Mr B's card and PIN. It followed that Mr B had either let someone else use his card or hadn't taken proper care of his card and PIN.

Mr B referred the case to this service and one of our investigators considered it. He wasn't persuaded, however, that the bank's evidence did show that the PIN had been used – although he was satisfied that the genuine card had been. He thought it most likely that someone had been able to obtain the card and use it; but he didn't think this meant Mr B hadn't taken proper care of the card. He recommended that Metro Bank refund the payments and make a further payment of £100 to Mr B.

Metro Bank didn't accept the investigator's recommendations and asked that an ombudsman review the case. In addition, it provided further evidence which, it said, showed that the PIN had been used with the genuine card.

I reviewed the case and issued a provisional decision. I accepted that Mr B hadn't made the disputed payments himself; he'd left the USA by the time they were made. But, unlike the investigator, I thought that Metro Bank had shown that Mr B's PIN had been used for three of the four payments. Since Mr B had said he didn't keep a written record of the PIN and the PIN's not kept in accessible form on the card itself, I thought the most likely explanation for the disputed transactions was that Mr B had allowed someone else to keep his card and to use it with the PIN, after he'd returned to the UK.

I gave both parties the opportunity to submit further evidence and arguments, if they wanted to do so. Mr B replied to say that he didn't accept my provisional findings. As well as expressing surprise at those findings, he noted that my provisional decision hadn't

commented on the fact that there had been attempts to use the card after it had been blocked. I have therefore reviewed the case again.

### **my findings**

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

The key issue in this case is how Mr B's card and PIN came to be used in the USA after he'd returned to the UK. He says someone must have stolen or found the card and used it after he left. In my provisional findings, however, I thought it more likely that he'd given someone the card and PIN and allowed them to carry out the transactions.

Mr B didn't provide any further information about his trip to the USA in response to my provisional decision – information that might, for example, indicate who might have obtained his card and in what circumstances. He did however refer to attempts to use the card after it had been blocked.

Metro Bank's records indicate three further attempts to use the card after Mr B had reported it missing. The first was an online payment to a gambling site Mr B had used previously and was most likely generated by the site – using details it already held for Mr B. The second was for an online flight booking which Mr B says he made. Neither would have needed the card to be present and neither was directly linked to the events giving rise to this complaint. The third attempted use was however in the USA; it was an attempt to use the genuine card with the PIN.

Mr B says that the further attempt to use the card after it had been blocked is an indication that he wasn't involved. I can understand his argument here; it might suggest that whoever had the card didn't know it had been blocked and expected still to be able to use it. I note however that this further use was a week after Mr B had reported the card missing; there had been no attempts to use it in that time.

It may be significant too that the further attempt to use the card was made only when Metro Bank had told Mr B that it wouldn't be making a refund and had explained why. If – as I indicated in my provisional decision I thought was the case – someone had Mr B's card with his consent, they would be able to make a further attempt to use the card once it was apparent that Metro Bank wasn't prepared to make a refund.

Nothing about the further attempt to use the card, however, really helps to explain how, as Mr B says, someone managed to get hold of his card and PIN without his knowledge or authority. I'm not therefore persuaded that I should change my conclusions from those set out in my provisional decision.

### **my final decision**

My final decision is that I don't require Metro Bank Plc to take any further steps to resolve Mr B's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 22 February 2020.

Michael Ingram  
**ombudsman**