

complaint

Mr B complains about a cash withdrawal he says he attempted to make on his account with Santander UK Plc. He says that the cash did not dispense from the machine, yet his account has been debited. He would like the bank to refund the value of the transaction with interest and to reverse charges he has incurred.

background

Our adjudicator reviewed information obtained about the operation of the cash machine that Mr B used. This identified that Mr B's card was inserted into the machine at 6.49pm to enquire about the balance on his account, then withdrew £250 at 6.50pm. The records do not suggest any errors were made when dispensing the cash; nor were discrepancies found at the time that the machine was balanced. If the £250 had not been dispensed, the adjudicator would expect to see the cash machine not balance by this amount.

The adjudicator also noted that the cash machine had neither stopped working nor was showing as faulty after Mr B's transaction as someone else is recorded as using the machine approximately ten minutes later, and the adjudicator was not aware that this was unsuccessful.

On balance, the adjudicator concluded that it was more likely, than not, that the cash machine did dispense the cash to Mr B. However, as regards the charges that Mr B says he incurred when his account went overdrawn, Santander refunded £70 to cover those costs.

Mr B has asked that his complaint be reviewed by an ombudsman. He has offered no further evidence or arguments for consideration.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I am sorry to tell Mr B that I have reached the same conclusions as the adjudicator, for similar reasons.

The cash machine owner has produced a clear record of the transaction taking place successfully with the sum, that Mr B says he was seeking to withdraw, being dispensed. Of course, I am not able to now say, with certainty, what happened when Mr B used the cash machine. But where evidence is incomplete, inconclusive, or contradictory, I have to reach a decision on the balance of probabilities; that is, what I consider is most likely to have happened, given the evidence that is available and the wider surrounding circumstances.

Mr B presents clear recollections of his experience of using the machine and not receiving the cash that he sought to withdraw. But the bank's evidence is in clear contradiction of that – it shows that the machine did dispense the cash. And the cash machine appears to have worked properly, both immediately before and shortly after Mr B's transaction.

Taking everything into account, and weighing the evidence of the parties, on balance, I consider it more likely than not that the cash machine dispensed the cash that Mr B asked for. In light of that, I do not consider that I can fairly and reasonably require the bank to credit Mr B's account with the value of the cash machine withdrawal that was debited.

my final decision

My final decision is that I do not uphold this complaint.

Ray Neighbour
ombudsman