

## **complaint**

Mr H has complained about Allianz Insurance Plc. He isn't happy that it turned down a claim under his motor insurance policy.

## **background**

Mr H made a claim for the theft of his car on his motor insurance policy in December 2014. Allianz declined the claim as the last driver of the car wasn't insured under Mr H's policy.

The driver of the car left the car in a public house car park. It wasn't her intention to leave the car at that time. But as she had a drink she left the car overnight. She was driving the car under her own insurance, driving other cars (DOC), at the time. The car was secured and stolen overnight.

Allianz then went onto decline the theft claim as the driver at the time the car was accompanied by the named driver. This was because the named driver had a conviction that wasn't declared and it wouldn't have offered cover for him.

As Mr H wasn't happy he complained to this service. Our adjudicator upheld his complaint. Although she accepted that it wouldn't have insured the named driver on the policy she didn't believe that this was material to the actual theft. This was because control of the car was handed to the driver and had nothing to do with the named driver.

As Allianz didn't agree the matter has been passed to me for consideration.

## **my findings**

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

It is clear that Allianz wouldn't have insured the named driver had it known of his previous conviction at the time the policy was taken out. And so it is entitled to remove him from the policy.

However, this doesn't affect the insurance cover at the time of the theft of the car. Allianz clearly accept that the named driver wasn't driving at the time the car was parked. Indeed, they tried to decline the claim on the basis that the driver wasn't insured at the time. Which was incorrect as she was insured DOC and Mr H's car was insured in line with his policy.

As control of the car was handed to the driver, who was insured, by Mr H and the car was securely locked in a pub car park Allianz should deal with the claim in line with the remaining terms and conditions of the policy. The named driver's previous conviction had no bearing on the theft of the car and isn't material to the theft claim.

I agree that Mr H should be awarded £150 compensation. It must have been very inconvenient and stressful to have had his claim declined incorrectly.

**my final decision**

It follows, for the reasons given above, that I uphold this complaint. I require Allianz Insurance Plc to consider the claim in line with the remaining terms and conditions of the policy. I also award £150 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 9 November 2015.

Colin Keegan  
**ombudsman**