

## **complaint**

Mr A complains that Markerstudy Insurance Company Limited provided him with poor service after he made a claim on his motor insurance policy.

## **background**

Mr A's car was damaged and was driven to Markerstudy's approved repairer for repairs. Shortly after he was told it was ready, the garage told Mr A it couldn't be driven because of a punctured tyre. Mr A thought the garage was to blame for that and other damage. Markerstudy asked an independent engineer to look at the damage. The engineer agreed the garage was responsible for the tyre and that further cleaning of the car was needed. Markerstudy gave Mr A £100 for the tyre and to have the car cleaned, plus an apology.

Our adjudicator thought Markerstudy should also pay Mr M £100 compensation for the trouble and upset he'd been through. Markerstudy agreed to that but Mr A didn't. He said the garage had damaged the car's alloy wheels as well as his licence plate. He said Markerstudy should have allowed him to claim on the garage's insurance policy. And he wanted an explanation of how the damage had been caused. He asked for a review of the complaint by an ombudsman.

Meanwhile, the adjudicator asked Markerstudy about the licence plate and the cause of the damage. It said the independent engineer hadn't mentioned any damage to the licence plate and Mr A hadn't raised the issue previously. It couldn't explain how the damage the engineer said was caused by the garage had happened.

## **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've looked at the issues the independent engineer said were raised by Mr A with him when he inspected the car. They were the problem with the tyre, problems with the front and rear bumpers and polish residue in the boot. There was no mention of the alloy wheels or the licence plate. And the engineer's photos don't show any damage to the licence plate.

Mr A did mention the alloys in his initial complaint to us. But he'd signed a check sheet when the car was first taken by the garage which shows there were scuffs on them at that point. There's no evidence he asked the independent engineer to look at damage to the alloys. And he didn't complain that the engineer had failed to take the issue into account. I don't think Mr A can show the garage caused damage to the alloys.

I don't think it's surprising that Markerstudy can't say how the damage to the tyre was caused. The garage denies causing it, although the engineer thought it must have done.

Mr A's unhappy that Markerstudy's paying for the damage to the car rather than allowing him to claim directly from the garage's insurance. But it's standard practice for an insurer to take responsibility for the actions of its approved garages. I can't see how Mr A has lost out because of that. Not all the damage has been paid for, but that's because Mr A can't show the garage was responsible for it. The position would be the same if he were claiming directly from the garage.

Mr A says the sum Markerstudy proposed for cleaning his car was less than he paid for it to be valeted. Markerstudy's agreed to consider any receipt Mr A produces as evidence of that. In the meantime I think the settlement Markerstudy's agreed to is a fair way to deal with Mr A's complaint.

**my final decision**

My final decision is that Markerstudy Insurance Company Limited should settle this complaint, as already agreed, by doing the following:

- Reimburse Mr A £100 for the tyre and the cleaning of his car
- Pay Mr A £100 for trouble and upset

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 8 April 2016.

Susan Ewins  
**ombudsman**