

complaint

Miss J complains that Capital One (Europe) plc ("Capital One") won't refund her two disputed transactions on her credit card that she says she didn't make or authorise.

background

Miss J says she didn't use her credit card for online purchases on 7 and 14 April 2015. She says she's a victim of fraud.

Miss J got a new replacement card on 13 March. She used it 4 times. Miss J says the card was left in a secure wallet in her bag. During worktime the bag was in her manager's office whilst she was at a training event. Miss J says no-one else had access to her email details.

On 7 April, MasterCard secure code was set up and a password was chosen. An email was sent to Miss J confirming this registration. But she says the email went into a junk box, so she didn't see it. The card was then used to make an online purchase. The card was used again on 14 April for another online purchase. A text was sent to Miss J on 15 April to ask if she'd authorised this transaction. Miss J replied on 16 April saying she didn't. She then called the bank to say she didn't recognise the two online purchases. Miss J says she didn't use the card on these occasions.

Our adjudicator considered the complaint but decided it was more likely that Miss J had authorised the payments. Miss J doesn't agree with that view so the matter has come to me to make 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 appreciate I can't be certain exactly what happened in this case. And I don't underestimate Miss J's strength of feeling about this. But I need to decide what is more likely to have happened. Overall, I don't think the evidence points towards the transactions having been made by a third party without Miss J's knowledge or authority.

First, it's difficult to see how the credit card might've been taken twice without Miss J's knowledge or permission and without her noticing. That's because Miss J says it was in a secure wallet in her bag and the bag was in her manager's office at work.

Second, I've looked at the information needed to set up a MasterCard secure code. Someone needed to have access to the card to enter the card number, expiry date and CVV. They had to know Miss J's date of birth, her telephone number and postcode. Also Miss J accepts the right email address was given to the bank. I think that's inconsistent with the actions of a fraudster as they'd have known that confirmation emails might be sent to that address. Third, the security password was re-set before the second disputed transaction. But to do that someone would have needed all the same information to change it.

Finally, I take into account that only 2 transactions were made on different days. If a fraudster had got the card, I would've expected them to spend as much as possible as

quickly as possible, not to make 2 separate transactions on different days, with the risk of being caught in between.

So I think the most likely explanation here is that Miss J made the transactions herself. Or she let someone else use the card. So Capital One hasn't done anything wrong in refusing to refund the transactions.

I appreciate that Miss J will be disappointed but I am not upholding this complaint.

my final decision

For the reasons set out above, I am not upholding this complaint. So Capital One (Europe) plc doesn't need to do anything to put things right.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss J to accept or reject my decision before 26 October 2015.

Sarah Tozzi
ombudsman