

## **complaint**

Mr S complains that The Royal Bank of Scotland plc has allowed payments to be taken from his account which he did not authorise. He also complains that it did not properly investigate the payments.

## **background**

Mr S disputes making payments of £600 and £900 on a day in October 2014, and four payments totalling £2,100 two days later, to an online gambling site. RBS initially refunded the first two payments to his account but, after its investigation, it concluded that Mr S was liable for them. Mr S complained to RBS but was not satisfied with its response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. He could not see how an unauthorised third party could have logged on to the account or would have benefitted from doing so. He was satisfied that RBS could continue to hold Mr S liable for the disputed payments. He concluded that its investigation into the transactions was adequate.

Mr S has asked for his complaint to be considered by an ombudsman. He says, in summary, that there is no proof that he spent the money and there is no proof that anyone else did either. He says that he is a reliable customer and deserves his money back.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

RBS' records show Mr S has used the gambling site regularly before the disputed payments and that both debits to, and credit from, the site had been made to his account. It has provided evidence to show that the first two disputed payments were made when the site was accessed from devices which had previously been used with that account on the site. The evidence also shows that the games played from the account around the time of the disputed payments were consistent with the games that had previously been played from the account.

RBS also says that it believes that either Mr S or an authorised third party made the disputed payments and that it is unlikely that a third party would log onto the same site and make large payments to the account as any winnings would be credited to Mr S's account. Mr S says that he did not make the disputed payments and that RBS has not properly investigated the payments.

I find it to be more likely than not that Mr S made the disputed payments. The similarity of the account activity with Mr S's previous activity leads me to conclude that it is more likely than not that Mr S was using the account. I find that RBS has properly investigated Mr S's complaint and the circumstances of the disputed payments. So I find that it would not be fair or reasonable for me to require RBS to refund the disputed payments to Mr S or to take any other action in response to his complaint.

## **my final decision**

For these reasons, my decision is that I do not uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr S to accept or reject my decision before 17 August 2015.

Jarrold Hastings  
**ombudsman**