

complaint

Mr C complains that CIS General Insurance Limited (CIS) settled a claim made against his motor insurance policy unfairly, as he was not involved in the incident in question.

background

CIS was informed by a third party that Mr C had driven his vehicle into the back of the third party's stationary car. The third party provided correct details of Mr C's address, telephone numbers and the car's registration number, but did not describe Mr C accurately and gave the wrong colour for the car. Our adjudicator considered that, on balance, the complaint should not be upheld. In his view, CIS had investigated the claim properly and had sufficient evidence to conclude that it should settle the claim against Mr C. As Mr C did not agree with the adjudicator's view, the complaint was passed to me for review.

my findings

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

As the adjudicator has already pointed out, we do not decide who is responsible for an accident, as that is the prerogative of the courts. We do, however, consider whether an insurer has acted fairly and reasonably, and within the terms of the insurance policy. In this case, in line with general industry practice, under the policy CIS had the right to settle the claim as it saw fit, so it is a matter of whether it acted reasonably in doing so.

I am satisfied that when Mr C informed CIS that he was not involved in the incident it disputed liability and sent an independent engineer to examine his car. The report from the engineer confirmed that there was minor damage to the front of Mr C's car consistent with the low-level impact described by the third party. I am aware that Mr C says the engineer told him that there was no damage to the car, but in my view CIS had to rely on the factual information in the engineer's report, which is clear about the fact that damage was present.

I am satisfied that CIS considered all the information available before making a decision on the claim. Although there may have been a discrepancy about the description of Mr C provided by the third party, and the colour of the car may have been wrong, in my view it was reasonable for CIS to conclude that, given all the other facts of the case, it was more likely than not that the incident occurred as the third party had reported. CIS's only option would have been to continue to dispute the claim and to be prepared to become involved in legal proceedings. In my view, it was reasonable for it to make a commercial decision not to do that.

my final decision

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

Susan Ewins
ombudsman