

## **complaint**

Mrs D has complained because PRA Group (UK) Limited has continued to hold a debt against her which she doesn't believe she is liable for.

## **background**

In 2006 PRA bought a credit card debt from a bank. It then got in contact with Mrs D to arrange repayment of the debt. Mrs D initially made two payments of £100 each. Further discussions then took place over a couple of years, which eventually resulted in Mrs D offering, via the Citizens Advice Bureau, to repay £5 a month. PRA accepted the offer and payments started in mid-2008. They continued up to February 2017.

At that point Mrs D contacted PRA to query the debt. She felt the debt was in respect of an account in her ex-husband's name and that he was the person who owed the outstanding balance. She therefore asked PRA to send her a copy of the credit agreement, together with details showing how the debt originally accrued.

PRA provided Mrs D with a copy of the application form she completed and signed in May 2000 for the credit card. It also told her it had asked for further documentation from the original bank in respect of the debt. And it confirmed that the account was on hold until the bank was able to provide the documentation. This essentially meant that Mrs D wouldn't receive further letters or calls about the debt. But PRA said it would continue to hold the debt in Mrs D's name as it had provided a copy of the application and she had previously admitted liability for it and had started repaying it.

Mrs D thought that was unfair. She didn't recall applying for the credit card or that she accumulated the debt. She further explained that when she split from her husband there were a number of accounts in his name and in joint names. She got pressured by debt collectors and was led to believe that her ex-husband's debts were her responsibility. So she agreed to make token payments to keep the debt collectors away. She has since realised that she wasn't responsible for the debts, which is why she sought documentary evidence from PRA of the alleged debt. As PRA hasn't been able to provide the evidence, she wants it to remove the debt from her name and adjust her credit file.

PRA has told us that it's still waiting for a copy of the account statement from the bank and that the account remains on hold. However, it feels that the application form, its file notes and Mrs D's repayment history confirm that she is liable for the account. It said it will send Mrs D the further document if/when it is received.

Our investigator didn't think the complaint should be upheld. She felt the fact the application form was in Mrs D's name only showed that the account wasn't in her ex-husband's name. Although she recognised that PRA hadn't provided proof of how the debt had occurred, Mrs D had been making regular payments in order to repay the debt. So she was persuaded that the debt belonged to Mrs D. She nevertheless thought it was fair that PRA placed the account on hold until the remaining documentation was provided.

Mrs D disagreed and asked for an ombudsman to review the matter.

### **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 that Mrs D might not recognise the application form and that without the account statements it's impossible to see how the debt accrued. But when I decide a complaint I don't have to be 100% sure of what's happened – I look at what's most likely given all the evidence that's been provided.

In this case, the application form persuades me it's most likely that the debt PRA bought was for a credit card account in Mrs D's name only. It might of course be that it was her husband who made the purchases on the card, but Mrs D is ultimately responsible for the account as it's in her name. It's also very significant in my opinion that when PRA first contacted Mrs D after buying the debt she agreed to make two large payments in order to start paying it off. That doesn't strike me as something you would do unless you knew and accepted that the debt was yours – even allowing for the pressure Mrs D might have been under due to other debts.

With all this in mind, I think PRA has acted fairly by having the debt recorded against Mrs D.

However, PRA has confirmed that the account will remain on hold until it receives the further documentation from the bank. That, in my opinion, is fair. I'm not persuaded that PRA needs to do anything more.

### **my final decision**

For the reasons outlined above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 8 January 2018.

Paul Daniel  
**ombudsman**