

complaint

Mr F complains R. Raphael & Sons Plc (trading as Monument) paid a refund of charges to his account instead of to him directly.

background

Mr F had a credit card account with Monument. He paid for a payment break plan (PBP) which he later complained to Monument was mis-sold. Monument offered to pay a refund which included interest. It applied the refund to the debt which was now owned by a third party. Mr F thinks the refund should have been paid to him directly.

The adjudicator did not recommend the complaint should be upheld. He concluded in applying the refund to the debt Monument was complying with the terms of the refund offer and that Mr F benefitted as his debt was decreased.

Mr F thinks Monument was wrong to pay off some of the outstanding debt as he considers this money his own. Mr F would have preferred to use the money to pay off other debtors.

my findings

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

When Monument offered the refund it didn't accept it had mis-sold the PBP. It imposed terms on its offer which included that if any money was owed on the original debt this had to be offset by the refund.

Mr F is in financial difficulties. I have sympathy with him. I can see that it must be very frustrating not to receive the refund directly.

But I consider the terms of the refund were clear. And that Monument, by paying the refund direct to the third party who now owns Mr F's debt, has followed them. I therefore cannot fairly say it has done anything wrong.

my final decision

My decision is that I do not uphold this complaint.

Nicola Wood
ombudsman