

## **complaint**

Miss K complains that HSBC Bank Plc unfairly declined her chargeback request and failed to treat her sympathetically.

## **background**

Miss K used her HSBC card to deposit a total of £8,000 with an online gambling company. She was unhappy with the service she got from the online company and said it refused to return funds when she requested it so she asked HSBC for a chargeback.

In line with the chargeback process, HSBC credited £8,000 to her account. But the online gambling company challenged the chargeback and it was then rejected. Miss K was also refused arbitration for her case. So she came to this service.

Our investigator looked into the complaint but thought HSBC hadn't done anything wrong in rejecting the chargeback. But he didn't think it had been sympathetic in the way it dealt with Miss K so he thought it should pay her £100 on top of the £75 it had already paid as compensation for the inconvenience caused by delays in handling the chargeback issue. Miss K wasn't happy with this so she asked for 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. Miss K raised the chargeback on the basis that she said she hadn't got the service she'd requested from the online gambling company. But the company challenged the chargeback and based on the evidence provided that Miss K had been able to place bets and received returns on winning bets, the chargeback was declined. HSBC has to process a chargeback in line with VISA's rules and, in these circumstances, I don't think it did anything wrong.

HSBC did put the case forward for arbitration, but this didn't go ahead because the online gambling company disputed the pre-arbitration and challenged Miss K's evidence. It provided further information about withdrawals that had been processed from the account. While I can understand this was frustrating for Miss K, based on the information I've seen, I think HSBC complied with the rules of the scheme.

The circumstances of this complaint came at a very difficult time for Miss K when she was under extreme stress and suffering serious health problems. Against that backdrop, I think HSBC could've made more effort to recognise her vulnerability in the way it communicated with her about the chargeback. HSBC's now agreed to pay her an additional £100 for that and I think this is fair compensation in the circumstances.

## **my final decision**

For the reasons given above, it's my final decision that this complaint is upheld in part for HSBC's failure to take account of Miss K's vulnerability in the way it communicated with her. HSBC Bank Plc should pay Miss K a further £100 in addition to the £75 it has already paid as compensation for the distress and inconvenience caused by its communication with her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 17 November 2018.

Susie Alegre  
**ombudsman**