

complaint

Mr M complains about information The Co-operative Bank Plc (Co-op) has registered about him when he was a victim of fraud. This is stopping him from opening accounts with other banks.

background

Mr M opened an account with Co-op in April 2012. He says that he never received the debit card or personal identification number (PIN). He later found out that the card had been used for transactions totalling £4,450, which Co-op wants him to repay. It has also registered a fraud marker on the CIFAS database.

The adjudicator didn't recommend that this complaint should be upheld. She thought it was unlikely that both Mr M's card and PIN had been intercepted through the post. She also said that the card transactions had been confirmed as genuine when they took place. So she didn't recommend Co-op amend the CIFAS entry.

Mr M said that he didn't receive any calls asking him to confirm the transactions.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Co-op and Mr M don't agree and I can't know for certain what happened in this case. As such, where evidence is inconclusive or contradictory, I have to reach a decision on the balance of probabilities. That means I need to decide what I consider is most likely to have happened, given the evidence available and the wider surrounding circumstances.

It's possible for cards and other security details to be intercepted in the post. But I don't think that's what happened here. The card and PIN were sent on different days. It's unlikely they arrived at the same time. If the items were intercepted, Mr M didn't report their non-receipt until the bank sought recovery of the debt.

Further, Co-op's records show that it received telephone calls on 30 April and 1 May 2012 and during these calls the disputed transactions were confirmed as genuine. The Co-op identified the caller by asking a number of personal questions. The information needed to answer those questions correctly wouldn't be known to someone who'd simply intercepted the card and PIN.

Taking all of this into account, it appears highly unlikely that the individual who carried out the withdrawals was unknown to Mr M. The pattern of the transactions suggests that they were carried out by someone who knew Mr M's account because they were made on and shortly after the day that the money was transferred into Mr M's account. On balance, I don't think it unreasonable that Co-op concluded that Mr M either carried out or otherwise allowed the transactions. It follows that I find the bank is entitled to apply the payments to Mr M's account and to record the CIFAS entry.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 26 October 2015.

Karen Wharton
ombudsman