

## **complaint**

Mrs G has complained about Liverpool Victoria Insurance Company Limited (LV). She isn't happy that it wouldn't pay a claim under her motor insurance policy.

## **background**

Mrs G made a claim under her motor insurance policy. She accidentally drove her car into a ditch while trying to turn around, causing it to get stuck. While Mrs G attempted to move the car it caught fire causing it to be written off.

LV refused to pay the claim. It said that Mrs G damaged the car while attempting to remove it from the scene of the accident. LV said that she failed to take reasonable care of the car.

The scene was attended by the police. The attending police officer described Mrs G as smelling of alcohol, having slurred speech and being unsteady on her feet. A witness at the scene described Mrs G as revving the car's engine which caused the subsequent fire.

As Mrs G wasn't happy she complained to this service. But our adjudicator didn't uphold her complaint. He believed that the actions of Mrs G had breached the terms of the policy agreement. He was satisfied that she had not taken proper care and that the additional damage was most likely caused by her attempting to move the car after the accident.

As Mrs G didn't agree the matter has been passed to me for a final decision.

## **my findings**

I've considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so I don't believe that LV has acted unreasonably and I will explain why.

LV has relied on exclusions within the policy to decline Mrs G's claim. It says that she has failed to take proper care of the car and that she tried to move the car (causing the damage) after the accident.

It would appear, from the information before me, that Mrs G had an accident while drink driving. I say this as the attending police officer clearly describes Mrs G as smelling of intoxicants, having slurred speech and being unsteady on her feet. She went onto refuse a breath test and was arrested for failing to provide a specimen.

It is likely that this impaired Mrs G's judgement. Causing her to have an accident and get the car stuck. Mrs G went onto rev the car heavily which appears to have caused the fire. The exact cause of fire is unknown. But the fire service report says the main cause of fire was '*overheating, unknown cause*'.

Although it would have been helpful for LV to have gained a more detailed independent fire report I think that they have done enough. I say this as the witness evidence supports that position and the fire report is clear that '*overheating*' played a part.

As such, I think LV has acted reasonably in declining the claim. It is clear that Mrs G's judgement was impaired through drink and LV hasn't acted unreasonably in declining her claim.

**my final decision**

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs G to accept or reject my decision before 19 October 2015.

Colin Keegan  
**ombudsman**