

The complaint

Mr F complains that Revolut Ltd won't refund a number of payments made from his account, which he says he didn't make.

What happened

In mid-2022, a number of payments were made from Mr F's Revolut account, which he says he didn't make. Mr F told our service he was hospitalised while abroad and thinks someone took his card while he was in hospital and made the payments. I've set out the payments made from Mr F's account below:

Date	Amount
28 June 2022	£151.68
30 June 2022	£60.54
3 July 2022	£73.00
29 July 2022	£42.47
15 August 2022	£120.00

Mr F says he noticed his card was missing after he left the hospital, and he reported it and the disputed payments to Revolut shortly afterwards. Revolut investigated but said it was unable to find any evidence of fraudulent activity on his account, so didn't agree to refund the payments. Mr F wasn't satisfied with Revolut's response, so referred a complaint to our service.

One of our investigators looked at the case. They didn't think the payments were carried out by an unknown third-party, and thought it was more likely Mr F had authorised them. So they didn't think Revolut should have to refund the payments. Mr F disagreed with our investigator, so the complaint has been passed to me.

What I've decided – and why

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

Generally, a business can hold a customer liable for disputed transactions on their account if the evidence suggests it's more likely than not that the customer authorised the payments – for example, by making them themselves or telling someone else they could make them.

Deciding whether a customer has authorised payments is a two-part test. Firstly the payments must be authenticated, and secondly, the customer must have consented to the payments being made. And this doesn't necessarily require proving that the customer made the payments themselves, as it is possible for a customer to authorise someone else to make payments on their account.

Revolut has sent us evidence which shows the five payments Mr F is disputing here were all made using his genuine card. And Mr F says his card was stolen, so isn't disputing that the payments were made using his genuine card. This means the payments were correctly

authenticated, and so I must also think about whether the evidence suggests it's more likely than not that Mr F consented to the payments.

I've thought very carefully about this and I think it's a finely balanced matter in this case. But where the evidence available is unclear or inconclusive, I must make my decision on what I think is likely to have happened, based on the evidence I do have.

When he first reported the disputed payments to Revolut, Mr F said he had been mugged while in a foreign country. But then later, and when speaking to our service, Mr F said his card was stolen while he was in hospital in a different foreign country. It's not clear why Mr F initially told Revolut a different story about what happened, but I think this means I must be cautious when relying on what Mr F has said.

Mr F also appears to have waited nearly a week after realising his card was missing before reporting the disputed payments to Revolut, whereas I'd usually expect a missing card or disputed transactions to be reported immediately to avoid a potential fraudster making any further transactions. There were also a number of other transactions made with Mr F's card in between the disputed transactions and, while Mr F says he has now disputed all of these as well, he doesn't appear to have identified them when he identified these initial disputed transactions.

Revolut's records suggest that, for two of the payments, a notification was sent to Mr F about them via the Revolut app on his mobile phone. And that someone logged in to the app on his phone and confirmed the payments before they were made. Mr F says his phone is locked with a passcode, which he hasn't told anyone else. But, if this is the case, someone would have needed to guess his phone passcode to confirm the payments – which I think is unlikely.

The nature of these payments is also not the sort of thing I'd typically expect an opportunistic thief to do after gaining access to someone's account. Generally, the way fraudsters operate is to get as much money as quickly as possible in order to avoid the source of the money being cut-off or them being detected. But here, there are gaps of several days or weeks between some of the payments. And the payments don't use up the full available balance in Mr F's account. So I don't think it's likely these payments were done by an opportunistic thief.

I appreciate how Mr F feels about this case, but I'm afraid the evidence isn't in his favour. I don't think the evidence suggests the payments were made by an unknown third-party. And, based on the evidence I have and in the absence of any other likely explanation, I think it's likely he consented to the payments – either by making them himself or by allowing someone else to make them.

And so I don't think Revolut has acted unreasonably in holding Mr F responsible for the payments made out of his account, or that it needs to refund the payments to him.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 1 December 2023.

Alan Millward

Ombudsman