

The complaint

Mr F says that American Express Services Europe Limited (AESEL) were unfair not to continue to arbitrate a claim he made to them under the chargeback scheme.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my decision.

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.

I know it will disappoint Mr F, but I agree with the investigator's opinion. I'll explain why.

Where the information I've got is incomplete, unclear, or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

Chargeback is a voluntary scheme and AESEL didn't have to submit one. They processed a chargeback here as the restaurant's terms allowed bookings to be cancelled without charge if they were made more than 48 hours before the reservation, and Mr F had explained he had called the restaurant to cancel his booking in time. But when the restaurant disputed that the cancellation had been made in time I don't think AESEL were unfair not to take the claim any further.

AESEL didn't know what had been discussed on Mr F's call to the restaurant, and the restaurant had provided an email that cancelled the booking on the day of the reservation. As that cancellation was within the 48 hour window the terms allowed the restaurant to retain the deposit. In those circumstances, I don't think AESEL were unreasonable not to pursue the claim any further.

My final decision

For the reasons I've given above, 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 19 February 2024.

Phillip McMahon
Ombudsman