

The complaint

Mr S has complained that Lloyds Bank PLC, trading as MBNA, has refused to refund him for a damaged computer he paid for with his MBNA card, that he returned to the merchant.

What happened

Mr S has made around five purchases from the merchant over the past years, and returned three. However, the merchant wouldn't refund him for the most recent computer, in August 2023. He explained it arrived damaged, so he sent it back. However, the merchant says the computer he's sent back isn't the one from August 2023. Rather, it's one he bought in September 2022.

Mr S then contacted MBNA for a refund. But it declined, on the basis that the merchant had provided photographic evidence that the computer that was most recently returned, has the serial number of the one from September 2022.

On the other hand, Mr S has provided evidence of the two previous refunds he received, in 2022, and referred to invoice numbers. The value of one of these refunds matched the value of the computer that the merchant is saying wasn't returned until 2023.

One of our investigators looked into what had happened. But, having done so, she thought that MBNA had behaved reasonably. Although she noted that it was clear that two orders were refunded in 2022, she was persuaded by the evidence provided by the merchant to justify its decision not to refund the 2023 order. She therefore had no grounds to ask MBNA to do so either.

Mr S disagreed. In summary, he said he couldn't have returned the same computer twice. He doesn't feel the photo of the serial number is compelling. He wants an explanation of how a computer returned in 2022, could possibly be the same one returned in 2023.

The complaint's now 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.

Having done so, I'm not upholding it. I know this will be disappointing and frustrating for Mr S, but I'll explain why.

What I need to decide, it whether MBNA has acted reasonably in not refunding Mr S. So, I've looked at how it has explained its decision. Ultimately, it felt that the photographic evidence provided by the merchant, of the serial number, was compelling. I don't think this was unreasonable. It decided what weight to give to the evidence it had, and did so. I can't see that it acted inappropriately, given that serial numbers are unique. I know that Mr S disagrees about what weight should be given to the photo, but I'm satisfied it was within MBNA's reasonable discretion to behave as it did.

I cannot give an explanation for exactly what has happened, but that isn't my role. My role is to consider whether MBNA behaved fairly and, as explained, I'm satisfied it did.

My final decision

For the reason given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 18 June 2024.

Elsbeth Wood
Ombudsman