

## **The complaint**

The estate of Mr I (the estate) complains that American Express Services Limited (AESEL) have provided poor customer service on multiple occasions after Mr I had passed away.

## **What happened**

The estate says that they rung AESEL and informed them of Mr I's passing. The estate says they were told not to worry, and to allow themselves to grieve. They say they later sent a letter from AESEL asking them to complete a bereavement notification form and provide documents, which they sent back to AESEL. The estate says that the next communication they received was from solicitors acting on behalf of AESEL which was extremely distressing.

The estate says they contacted AESEL, and they also asked them if the loyalty points on the credit card could be transferred to another AESEL card holder, which the call handler told the estate they couldn't be transferred, but they could be used to offset the outstanding balance. The estate says the call handler lacked compassion for their situation, and they were taken aback by his attitude. The estate says that they tried to settle the outstanding balance with AESEL, but they were directed to the third party solicitor's to pay this. The estate made a complaint to AESEL.

The estate says that AESEL emailed Mr I, which was very upsetting, and insensitive. The estate says AESEL referred to a letter dated 26 September 2023, but the estate never received this letter. The estate said that AESEL should write off the outstanding balance of £774.70 as a gesture of goodwill due to how they've been treated.

AESEL did not uphold the estate's complaint. They said they sent a letter dated 26 September 2023 which had detailed information about the closure and the cancellation of the card account. AESEL said that as it appears a final statement wasn't sent, and there appeared to be incomplete communication, they would amend a late payment marker for August 2023, and arrange for this to be removed by the Credit Reference Agencies (CRA's). The estate brought their complaint to our service.

Our investigator did not uphold the estate's complaint. She said she didn't doubt that what has gone on has caused the estate additional distress at what is already a difficult time, but as the complainant entity here is an estate, our service can't award compensation for distress and inconvenience in the same way we would to an individual complainant. The estate asked for an ombudsman to review their complaint.

## **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.

Firstly, I want to pass my condolences to the estate. It's clear from what the family members have told our service the impact that what happened here had on them.

I'm persuaded that AESEL did let the estate down at times with what went on here. I say this because one of the crucial letters they sent for the estate contained a wrong postcode on the letter. So it appears this letter didn't reach the estate. I've looked at the contents of this letter. This explains to the estate that they had received their recent communication.

The letter also sets out what to do with the cards on the account, any additional cards on the account, and any subscriptions/recurring payments on the account. The letter also explains that if there were any unredeemed membership reward points they had been converted to a monetary value and applied to the account to reduce any outstanding balance.

The letter contains information about how AESEL have taken steps to prevent further correspondence about the account, but letters they are required to send to comply with regulations may still be sent until the cancellation is complete.

AESEL also explain that as there is an outstanding balance on the account, they will automatically pass the account onto their probate solicitors who will be able to advise the estate on the next steps to take, and they would be handling the account on AESEL's behalf moving forward, and the probate solicitors would be contacting the estate shortly. The details of the probate solicitors were included on the letter.

So if AESEL would have sent this letter to the correct address, I'm persuaded that this would have saved the family members of Mr I further inconvenience by ringing AESEL to find out if membership points could be transferred, what was happening with the account, and them wondering why they had received a solicitors letter seemingly out of the blue. The letter would have saved Mr I's family members distress that was caused about what happened here.

AESEL also said that a final statement wasn't sent. So the estate wasn't in an informed position that they would have been if AESEL had sent the statement out. AESEL have agreed to amend the adverse information with the CRA's, and they have refunded late payment fees, which is what I would expect them to do, but the estate was inconvenienced by having to query this with AESEL.

The estate have also forwarded our service with an email dated 2 November 2023 which was received at 13:27pm. This was several months after Mr I had passed away. But the email is addressed to Mr I. So this would have caused further distress to Mr I's family members at what would be already a very difficult time for them.

But while I'm persuaded AESEL have let the family members of the estate down with how they have acted here, I must make the estate aware that Mr I is the eligible complainant here. And our service can only make awards to the eligible complainant who had the required relationship with the business. The estate representative brings the matter on Mr I's behalf (as the person authorised in law to do so).

So it follows that our service can't compensate an executor for any impact incurred by them personally when representing the estate of Mr I. So while I can empathise with the family members with what happened here, it follows I don't require AESEL to do anything further.

### **My final decision**

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr I to accept or reject my decision before 3 October 2024.

Gregory Sloanes  
**Ombudsman**