

complaint

Mr S has complained that MCE Insurance Company Limited didn't properly deal with a claim he made under his motorcycle insurance policy.

background

Mr S made a claim to his insurer MCE in December 2014. In my decision MCE and its agents are one and the same.

MCE settled the claim in January 2015. Mr S noticed this year that it hadn't settled a claim he made under a 'Helmet and Leather' section of his policy. So he contacted MCE. He says MCE's service was poor. MCE said Mr S hadn't sent all it needed to deal with his 'Helmet and Leather' claim. If he could provide the proof now, it would consider his claim.

But Mr S said he no longer had the items. Everything he'd previously sent to MCE was under an email address he no longer has access to as the server has been removed. Mr S asked us to look at his complaint.

Our investigator didn't recommend Mr S's complaint should be upheld. MCE told us Mr S didn't have 'Helmet and Leather' cover under his policy – but it agreed to consider his claim anyway. MCE was waiting for further information from Mr S in order to deal with this part of his claim. As it didn't receive the items it needed, it hadn't been unreasonable.

Mr S didn't agree. He's provided proof that he had 'Helmet and Leather' cover. So MCE hasn't been truthful. He says he sent everything MCE needed at the time. MCE told him they didn't have any of what he sent. But when we looked at his complaint, MCE were then able to find some of the information. Mr S doesn't feel our opinion is impartial.

So the matter has been passed to me to decide.

my findings

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

Mr S has provided proof that he had 'Helmet and Leather' cover when he made his claim. MCE didn't tell Mr S he didn't have 'Helmet and Leather' cover under his policy. This is something MCE told us. But it said it had agreed to consider his claim anyway. This isn't correct.

The reason why MCE didn't uphold Mr S's complaint was because it said it didn't receive the information it needed to consider this part of his claim.

I can understand why Mr S is upset and feels MCE hasn't been truthful. But I don't think the error MCE made when it replied to us has affected the outcome of his claim. I say this because MCE did consider his claim. The reason for not settling this part of his claim wasn't because he didn't have 'Helmet and Leather' cover. Even so, I don't think MCE has helped matters by suggesting it considered Mr S's claim as a goodwill gesture for cover he was always insured for.

MCE has provided a copy of an email it sent to Mr S in July 2015. It had received images and invoices from Mr S for his 'Helmet and Leather' claim. But it asked him to provide the following:

- *Proof of purchase for the boots - price that was paid and date of purchase*
- *Proof of purchase for the helmet - receipts/bank statements/pictures of you wearing the items before the incident.*
- *Pictures of the damaged helmet.*

MCE says it didn't receive the information it needed. And if Mr S can provide this information now, it will still consider his claim.

But Mr S says he didn't receive MCE's email and he no longer has the items. And he believes he sent it everything it needed at the time. The email address MCE wrote to matches the address Mr S gave it at the time.

I understand Mr S's frustration as he doesn't believe MCE has dealt with his claim properly. But from what I've seen, I can't conclude that MCE has been unreasonable to him. It asked Mr S to provide further information in 2015. But it didn't receive a reply. Even though a significant amount of time has passed since, MCE said it would consider the claim if Mr S could provide the information it needed. Unfortunately Mr S can no longer do that. And this isn't something I can hold MCE responsible for.

MCE didn't write to Mr S's updated email address when it replied to his complaint, which caused a delay. But when Mr S called it to chase, MCE sent the reply to the correct email address on the same day. So while I think MCE should've updated its records promptly, I think it put things right as soon as it was aware of its mistake.

my final decision

For the reasons I've given above, my final decision is that I don't 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 7 December 2017.

Geraldine Newbold
ombudsman