

complaint5 April 2016

Ms H complains that Morses Club Limited ("MCL") won't accept her explanation that she only took out one loan account, and that the others in her name were opened fraudulently.

background

In May 2015 Ms H complained to MCL about five existing loans that she'd found had been taken out in her name. At that point she found out that there had been a total of 25 loans since 2010.

She said she'd only ever applied for one loan in 2013, and that the remaining ones must have been taken out fraudulently by her mother. She said her mother was an agent for MCL, and must have forged her signature.

MCL did an investigation, which concluded that Ms H must have taken the loans out herself. So it didn't uphold her complaint, and stated it was happy for the matter to be referred to the police.

Ms H remained unhappy, so complained to this service.

Our adjudicator looked at all the evidence and thought that it indicated that Ms H had probably taken out all of the accounts in dispute.

Ms H didn't agree, so asked for a final decision.

my findings

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

I think our adjudicator was right. The evidence we have all points to Ms H having taken out the loans. From the post-complaint visit by MCL's area manager, where Ms H admitted she couldn't entirely remember how many loans she actually signed for; to the fact that MCL had her passport and driving licence numbers with which it carried out credit checks; and the fact that in September 2010 a welcome pack was sent to Ms H when the first loan was taken out; it's difficult to accept that they weren't her loans.

I also agree with our adjudicator's observation that if Ms H only acknowledged the loan in 2013 as signed for, yet there had been loans going back to 2010, how could her mother have been perpetrating the fraud for three years before getting Ms H's signature? And how would Ms H never have realised in that whole time that she was a customer of MCL?

It should also be noted that because Ms H says the one loan she did take out was taken to help her mother, she didn't look at any of the letters MCL sent to her. While I can see why this might have happened, ultimately the loan was in Ms H's own name, so I don't think it's unreasonable to say that it was her own responsibility to ensure she read these letters and knew what her position with the loan was.

I can see that Ms H's had her own health issues to deal with over the years, which will no doubt have made dealing with this complaint even more difficult for her. But overall, I just

don't think the evidence supports her version of events. In fact, it tends to do the opposite. And for that reason I can't uphold the complaint.

Finally, Ms H has also raised a data protection issue after some MCL paperwork was found in a public bin near her home. I've no reason to think that this is connected to the issues in this case in any way, and as has been previously suggested if she wants to take this matter further she should contact the Information Commissioner's Office.

my final decision

My final decision is that I won't be asking Morses Club Limited to do anything else to resolve this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 5 May 2016.

Ashley L B More
ombudsman