

complaint

Mr and Mrs J complain about AXA Insurance UK Plc's handling of a repatriation claim they made under their travel insurance policy after Mrs J suffered a serious leg injury abroad.

background

Mr and Mrs J were on holiday in Europe. Unfortunately, Mrs J suffered a serious injury and was admitted to hospital. Mr and Mrs J notified AXA's assistance company, who agreed to meet Mrs J's outstanding medical costs and to arrange to repatriate Mr and Mrs J back to the UK.

AXA arranged for wheelchair assistance at the airport for Mrs J and two additional seats on the plane, to give her more room. It also arranged for a car to take Mr and Mrs J to and from the airport; and it paid for Mr J to rearrange his flights so that he could travel with Mrs J.

Mr and Mrs J were unhappy with AXA's handling of the repatriation. They considered that AXA should have arranged for Mrs J to be transported to and from the airports by ambulance, rather than by car. She said she had been in severe pain. She also explained that the taxi driver could not give her any assistance in getting in and out of the vehicle. Mr and Mrs J did not understand why a vehicle had been arranged, Mrs J when her husband could have driven her home from the UK airport in his own car. In addition, Mr and Mrs J said there had been some language difficulties in dealing with AXA Assistance staff.

AXA considered it had handled the claim appropriately. It said the medical reports issued by Mrs J's treating doctor did not specify that an ambulance transfer was medically necessary and so it had not arranged this. As Mr and Mrs J remained unhappy with AXA's stance, they asked this service to consider their complaint.

Our adjudicator noted that there was not a copy of a translated medical report in the information AXA had sent us. And it failed to send this evidence despite the adjudicator asking for it. So she was unable to see whether AXA had followed the advice of the treating doctor when it arranged Mrs J's repatriation. She recommended that AXA should pay Mr and Mrs J £350 for the distress and inconvenience its handling of the claim had caused them.

AXA accepted the adjudicator's recommendations and I understand it paid £350 directly into Mr and Mrs J's bank account. However, Mr and Mrs J did not accept that the award sufficiently reflected the distress and inconvenience they had been caused. They stressed that the injury had been severe and that Mrs J had suffered additional pain because she had not been able to travel by ambulance. They felt AXA had simply been trying to save money when it dealt with the claim. And they said they had been left traumatised by the claim.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, whilst I appreciate my decision will come as a disappointment to Mr and Mrs J, I am not making any further award against AXA.

The issue I have needed to decide is whether AXA's offer to pay Mr and Mrs J £350 is fair and reasonable in all the circumstances.

I acknowledge Mrs J suffered a serious injury, which required surgery and a long period of rehabilitation. I also appreciate she was suffering a great deal of pain and this must have been a difficult time for them both. However, I need to consider whether AXA handled Mr and Mrs J's repatriation appropriately.

AXA has not provided evidence that it made sure that transport by car was medically appropriate. On this basis, I think it reasonable to assess compensation for distress and inconvenience as though an ambulance should have been supplied.

I do not have evidence that transfer by car caused additional medical harm, and I am aware that a serious injury would always have caused Mr and Mrs J distress and suffering. I have considered how far AXA's handling of the matter caused additional distress or inconvenience, and having done so I do not consider that the £350 offered by AXA is unreasonable.

my final decision

My final decision is that AXA's payment of £350 to Mr and Mrs J for the distress and inconvenience its handling of the claim caused them is fair and reasonable.

I make no further award against AXA Insurance UK Plc.

Timothy Bailey
ombudsman