

complaint

Mrs and Mr G complain about the way Mapfre Asistencia, Compania Internacional De Seguros y Reaseguros, S.A. dealt with their travel insurance claim.

background

Mrs G developed serious back pain on a cruise and ended up coming home one day earlier than she was supposed to. Mrs G paid for business flights and some other expenses to get home early and claimed the costs back from Mapfre.

Mapfre spoke to Mrs G whilst she was abroad and told her that she needed to go to hospital for reassessment by a doctor and to certify that she was fit to fly. And Mapfre told Mrs G that the terms of her policy said that it had to be 'medically necessary' to come home early. But as Mrs G didn't have a fit to fly certificate, and she couldn't show it was 'medically necessary' to come early Mapfre wouldn't pay her claim.

An adjudicator looked into Mrs and Mr G's complaint. She thought that Mapfre should pay £100 compensation because it had told Mrs G that it would send a doctor to see her. But it didn't and it's communication with Mrs G wasn't very good, especially as it had promised to call her back but didn't. In the main though, the adjudicator didn't think Mapfre had been unfair in not paying the claim.

Mrs and Mr G felt that because of the pain Mrs G was in, and that she had spent several hours in hospital during her trip, that it was necessary for her to come home. And as the doctor she had seen said she needed to follow things up with her own GP she felt she was fit to fly.

my findings

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

It had to be 'medically necessary' for Mrs G to return home early for Mapfre to pay her curtailment claim.

Mrs G says she didn't call Mapfre's helpline until around 11 days after the pain started because she felt it would get better. And as she was stopping at small ports on the cruise she didn't think they would have medical facilities. I can appreciate Mrs G's view but if the pain and condition made it 'medically necessary' to return home early then I'd expect the ship's nurse or hospital doctor to have documented concerns to this effect but they didn't.

There's no doubt Mrs G was in pain – she was given pain relief tablets on the cruise ship and stronger pain relief at a hospital. In the hospital notes it says Mrs G needed rest, pain relief and a follow up with her GP. And that if Mrs G felt worse or feverish then she was to go back to A&E. I don't think Mrs G has shown it was 'medically necessary' for her to return home early. I appreciate she preferred or wanted to come home early but that isn't what her policy is for – it's about emergency or necessity.

Although this means Mapfre was entitled to refuse to pay Mrs G's curtailment claim, I don't think Mapfre's customer service was good enough. Mrs G made a number of calls to Mapfre's medical help line. The issue that's most concerning is the fact that Mapfre said it would get a doctor to call with Mrs G. But it couldn't seem to get one and didn't call Mrs G to let her know of the difficulty. This doesn't affect the overall outcome but Mrs G was frustrated and upset at feeling let down and I think £100 compensation is a fair amount given the short duration involved.

There's a prescription cost that would be covered by the policy but it's less than the policy excess so I can't order Mapfre to pay it. I appreciate Mrs and Mr G will be disappointed by my decision but my role is to reach an outcome that's fair and reasonable taking into account what a consumer and a business tells us. In this case Mapfre's policy isn't unusual in requiring an early return home to be 'medically necessary' before it will pay.

my final decision

For the reasons I've explained, my final decision is that I require Mapfre Asistencia, Compania Internacional De Seguros y Reaseguros, and S.A. to pay Mrs and Mr G £100 compensation.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs and Mr G to accept or reject my decision before 9 July 2015.

Sean Hamilton
ombudsman