

## **The complaint**

Ms R has complained that Monument Life Insurance Dac declined to pay a claim she made for unemployment on her mortgage payment protection insurance policy.

## **What happened**

Ms R was told that her employment was ending during a meeting held in October 2022. Following the meeting, her employer wrote to her, setting out that her employment was being terminated on the basis of 'some other substantial reason'. The background was that Ms R felt she had been subjected to bullying by her supervisor and had been off work as a result. Her employer had explored the possibility of alternative work but no suitable alternative roles were available. Although Ms R was fit for work, she felt that she couldn't return to her original job as it would place her in an unsafe working environment. However, as an internal grievance and appeals process had not upheld the bullying charges, and her original job remained available, her employer was requesting her to return to her substantive post. Because she refused to do so, her employment was being terminated.

Monument declined Ms R's unemployment claim as it considered her unemployment to have been voluntary in nature and voluntary unemployment is excluded under the policy terms.

Our adjudicator thought that Monument had acted fairly in declining the claim. Ms R disagrees with the adjudicator's opinion and so the complaint has been passed to me for a decision.

## **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.

Ms R says that, for the sake of her health, she could not return to her old job. Therefore, she had not made herself voluntarily redundant as she had no choice in the matter.

The purpose of this decision is not to make a finding on whether Ms R was bullied out of her job or not. What I am looking at is whether Monument acted fairly and reasonably in declining the claim.

The policy terms state that an unemployment claim will not be paid if:

*'the unemployment results from your conduct (including fraud, illegal activity, dishonesty or anything that led to or might have led to a disciplinary procedure), your resignation, any employment of a voluntary nature, or where you have taken early retirement.'*

I've looked at the evidence that was available to Monument in reaching its decision.

There were a couple of letters from Ms R's representative, sent to her employer, setting out her position. Whilst the details of the bullying accusations aren't entered into in detail, it is

clear that Ms R feels strongly that she has been victimised and experienced very traumatic treatment from her supervisor.

On the other hand, there is information that Ms R's concerns weren't upheld during a formal grievance and appeals process. So, the bullying allegations weren't substantiated and the employer had no ongoing concerns and considered the matter closed. I appreciate Ms R says that the grievance and appeals process was not conducted by her employer in a thorough way. But that's not something that Monument would have the ability to look in to.

Given the conflicting views of Ms R and her employer, and the lack of independent evidence – such as a finding by an employment tribunal – I'm satisfied that Monument didn't have enough to conclude that Ms R had been made involuntarily unemployed.

Ms R has pointed out that the letter from her employer talks about her employment being 'terminated'. That's true, but it also talks about her position still being available for her to return to and that her employment was only being terminated because of her refusal to do so. Taken at face value, Ms R was given the choice of returning to her existing job role or having her employment terminated, and she chose to have it terminated. As such, it was reasonable of Monument to conclude that she had made herself voluntarily unemployed.

In its final response letter Monument said that it understood that employment disputes could be contentious. It told Ms R that if she decided to take her case to an employment tribunal which then found in her favour, it would be happy to review the claim. I also consider this to be fair and reasonable.

Ms R has told us that she made a successful claim in 2013 under 'circumstances not dissimilar to this claim'. I don't know what the insurer's decision-making process was at that time. Nor do I have the details of the earlier claim, beyond what Ms R has said. But whilst the situations may have been similar, they are not identical. Given the evidence provided about the circumstances of her 2022 claim, I'm satisfied that Monument assessed it correctly, in line with the policy terms and conditions.

I do appreciate Ms R's view that she couldn't return to her job and therefore she was essentially made redundant against her will. I have a great deal of sympathy for the situation she found herself in and understand that it must have been a very difficult time for her. But, based on the available evidence, I'm unable to conclude that Monument did anything wrong in declining the claim.

### **My final decision**

For the reasons set out above, I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms R to accept or reject my decision before 29 September 2023.

Carole Clark  
**Ombudsman**