

The complaint

Mr S complains about Acasta European Insurance Company Limited's decision to decline a claim made under his Guaranteed Asset Protection (GAP) motor insurance policy.

What happened

The background to this complaint is well known to both parties, so I'll provide only a brief summary here.

Mr S had GAP insurance underwritten by Acasta to protect the agreed value of his car in the event that it were written off or stolen.

Mr S says he was involved in an accident in May 2022 and his car was written off. And so, he made a claim to Acasta.

Acasta have declined the claim. They appointed an expert to assess the damage to Mr S's car and the other car Mr S said had been involved in the accident. The expert concluded that the damage to the cars couldn't have happened in the way Mr S said.

Mr S complained to Acasta. They maintained their stance that the claim had been rightly declined.

Mr S wasn't happy with this and brought his complaint to us. Our investigator looked into it and didn't think Acasta had done anything wrong.

Mr S disagreed and asked for a final decision from an ombudsman.

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.

I hope Mr S will understand that it's not for me to determine whether his claim should be settled or not. Our role is to consider whether Acasta have acted fairly and reasonably in the way they handled the claim and decided it.

Mr S has his own view about the damage to the two cars. And there was an assessment of his car carried out after the accident, although that was primarily aimed at establishing what the damage was, not how it had happened.

Acasta commissioned a report from a qualified motor engineer, who assesses damage to cars involved in accidents.

His report is detailed, cogent, logical and refers directly to the evidence. It concludes that – for several evidential reasons – the two vehicles did not collide with each other.

It's neither unfair nor unreasonable for Acasta to rely on that expert evidence and to find it persuasive – and, therefore, decline the claim.

I'd expect that if Mr S produces further evidence about his claim – a report from a similarly qualified expert, for example – Acasta would consider that evidence and review the claim outcome.

But I can't justifiably say that Acasta have acted unreasonably or unfairly in declining Mr S's claim based on the evidence currently available.

My final decision

For the reasons set out above, I don't uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 12 January 2024.

Neil Marshall
Ombudsman