

## **The complaint**

Mr and Mrs K are unhappy that U K Insurance Limited ('UKI') declined their claim.

## **What happened**

Mr and Mrs K have a travel insurance policy underwritten by UKI.

They booked a holiday which they had to cancel as Mr K was too unwell to travel. They made a claim which UKI declined as it said Mr K was under investigation when the trip was booked and therefore there was no cover under the terms of the policy.

Mr and Mrs K complained to UKI and unhappy with its response, referred their complaint to the Financial Ombudsman Service.

Our investigator looked into the complaint but didn't uphold it as UKI had declined the claim in line with the terms and conditions.

Mr and Mrs K disagreed and in summary, have made the following comments:

- Mr K had not been referred to hospital or a specialist when he first saw the doctor
- The doctor should be asked for a timeline

And so the case has been passed to me for a final 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.

Having done so, I don't think this complaint should be upheld. I'll explain why.

- The relevant rules and industry guidelines say an insurer should handle claims promptly and fairly. And shouldn't unreasonably reject a claim.
- The policy terms under 'specific exclusions include: *"Any claim due to an illness or injury that is under investigation."*
- The above specific exclusion is again included in the cancellation section under the 'you are not covered for' and we won't pay for' headings.
- The policy definitions define 'Under investigation' as follows: *"You have been informed by your doctor that your symptoms require you to be referred for further tests or to a specialist to get a diagnosis."*
- Mr K's GP has completed a form which says he first consulted him on 3 January 2023 and was under investigation. Mr and Mrs K have said that the GP thought Mr K

had a vitamin deficiency and he wasn't being investigated for anything serious. It was only later on that he was under investigation for a serious health condition.

- Having considered the above, I don't think UKI declined the claim unfairly as Mr K was under investigation. Even if he thought he had a vitamin deficiency, he was referred for blood tests, and so this meets the definition of under investigation in the policy. I haven't seen any contradictory evidence which shows that Mr K wasn't under investigation from 3 January 2023.
- Mrs K says I should contact the doctor and ask for a timeline but I don't think this would make a difference. Even though Mr and Mrs K didn't know Mr K had a serious illness on 3 January, they knew there was something not right and he saw the doctor and was having tests. The evidence shows investigations started on 3 January 2023, before the holiday was booked. And so the exclusion applies.
- I'm sorry to hear of Mr K's illness but I don't think UKI has done anything wrong so I can't fairly ask it to accept the claim.

### **My final decision**

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K and Mrs K to accept or reject my decision before 16 November 2023.

Shamaila Hussain  
**Ombudsman**