

The complaint

X has complained that Unum Ltd declined a critical illness claim made under their employer's group policy.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again in full here. In summary Unum declined X's claim because the medical evidence didn't show they met the policy definition for cancer.

Our investigator didn't conclude that Unum had done anything wrong. X appealed.

As no agreement has been reached the matter has been passed to me to determine.

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 agree with the conclusion reached by the investigator for the following reasons:

- I'm sorry to note that X has been unwell. In November 2022 a biopsy showed a lesion was suspicious of lymphoma. In February 2023 a pathologist couldn't be definitive about a diagnosis of lymphoma. The recommendation at the time was to keep X under surveillance.
- The relevant regulations say that insurers mustn't unreasonably reject a claim, so I've carefully considered their policy in order to determine if they have been treated fairly. The relevant part of the cancer policy definition states:
Cancer – excluding less advanced cases
Any malignant tumour positively diagnosed with histological confirmation and characterised by the uncontrolled growth of malignant cells and invasion of tissue.
The term malignant tumour includes leukaemia, sarcoma and lymphoma except cutaneous lymphoma (lymphoma confined to the skin).
- Here, without a definitive histological diagnosis of cancer the policy definition was not met when Unum issued its final response. It follows that I can't say Unum treated X unfairly or contrary to their policy terms in declining their claim when it did.
- Reading the difficulties X had with Unum's portal I do understand their frustration. We are unable to tell insurers how to operate, as that's not part of our function. I can see that ultimately X requested letters to be received by post, which seems a sensible alternative.

- I recognise that X will be disappointed by my decision, but for the reasons given above I don't find that Unum treated them unfairly or contrary to their policy terms in declining their claim.

My final decision

My final decision is that I don't uphold this complaint about Unum Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask X to accept or reject my decision before 26 October 2023.

Lindsey Woloski
Ombudsman