

The complaint

Mr R complains about Assurant General Insurance Limited (Assurant) who declined his claim under his mobile phone insurance policy.

What happened

Mr R held a mobile phone insurance policy with Assurant. He was a victim of a theft in which his phone was stolen. He made a claim and Assurant, during the claims process, Assurant asked Mr R for various documents. As well as a crime reference number. Mr R provided all the information requested.

But Assurant said that the crime reference number did not correlate to the crime reference numbers that were issued by the relevant police force. It also questioned the validity of some screenshots that were submitted. In that, it said that the screenshots had been modified, as one screenshot showed Mr R's phone location as being in London and another in the United Kingdom. Because of this information, that Assurant said was false, it declined the claim under the policy terms and conditions.

Mr R complained as he said that he hadn't modified the screenshot. He also provided a video of him logging into the device, that showed the relevant screen.

In its final response, Assurant maintained its positions. And as Mr R was given his referral rights, he referred a complaint to our service.

One of our investigators considered the complaint and thought it should be upheld. He said that although the screenshots showed one location in London and the other screenshot showed United Kingdom, this wasn't enough to prove that it had been modified. Especially as Mr R had provided evidence of him logging on to the device that showed the relevant screen. So, he concluded that Assurant ought to reconsider the claim, in line with the remaining policy terms.

Mr R accepted the view, Assurant did not. It said that the video evidence that Mr R provided couldn't be relied upon as it thought it was for a different phone. It also said that the video showed two devices one of which had been the device that Mr R originally claimed for, and that Assurant replaced earlier. It further said that the screenshot had been altered as the properties showed that a program was used to manipulate the information. So, it asked for a 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 considered the complaint, and I thought the complaint shouldn't be upheld. I issued a provisional decision on 26 September 2023 and asked both parties to send me anything else by 24 October 2023. In my provisional decision I said:

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of the complaint.

Having done so, I don't intend to uphold this complaint, which I understand is likely to be a disappointment to Mr R. But I hope my findings go some way in explaining why I've reached this decision.

Assurant said that it believed that Mr R had modified the screenshot to show an alternate location of the phone. It said that the properties on the screenshot show that the information had been manipulated.

It relied on the policy terms and conditions which stated: 'It is important that when applying for insurance or submitting a claim you or anyone acting on your behalf must take reasonable care to answer all questions honestly and to the best of your knowledge. Failure to do so may affect the validity of your policy or the payment of your claim.' And because of this modification, it felt that it invalidated the claim, and it could reasonably decline the claim.

I think the issue of this complaint, is whether Assurant was fair and reasonable to decline the claim due to this information, that Mr R supplied. So, I've had a look into this.

I asked Mr R if he could provide me with the location information (which is readily available from his mobile phone provider) from the month up to and including the date of loss. As I think this evidence would likely indicate where the phone had been located. Mr R didn't respond to the request.

Having reviewed the policy terms and conditions, I'm satisfied that the obligation on the policyholder is to take reasonable care to answer all questions honestly and to the best of their knowledge when submitting a claim. I've taken this to include when documents are requested, and then submitted. In this complaint Assurant asked for various documents, to verify the claim.

Mr R supplied the documents requested, but Assurant said that some of those documents, in particular the screenshot, had been modified. The properties on the screenshot showed that it had been altered.

In addition, Mr R sent a video, which Assurant viewed and analysed. It said it showed a device that was first signed into on Mr R's online account, on 22 November 2022. It didn't show the IMEI number of the device. It said that the phone that Mr R was claiming for hadn't been received by him until 26 January 2023. So, it concluded that the video didn't support the process, the location of the device and must have been for a different phone.

Assurant further stated, that as Mr R had said that phone was linked to his online account, that account only showed two devices, the device that the video was being recorded on and another device, which was the phone that Mr R reported as lost, claimed for, and replaced previously. Due to all of these concerns, Assurant declined the claim.

In the absence of any evidence from Mr R that proves the location of the phone pre-loss and evidence that refutes what Assurant had discovered, I'm persuaded by Assurant's comments, and I'm currently satisfied that it fairly declined Mr R's claim.

Taking all of the evidence into consideration, I don't think that at present, Assurant was unfair or unreasonable to decline the claim, for the reasons I have given. If Mr R is able to provide me with evidence that can refute that of Assurant's, then I will of course consider it.

Responses to my provisional decision

Assurant had nothing further to add.

Mr R said that he had sent in a video and screenshot of his phone, as this indicated the location of it. He said he didn't understand why, it was said that, he hadn't provided evidence of location. He said he was out of the country at the moment.

I've carefully considered the comments made by Mr R and I'm not persuaded by them, so, I'll explain why.

This complaint essentially turns on where Mr R's phone was located at the time of the theft. I'd asked Mr R to obtain his location of the phone from his phone provider. Mr R was given a few weeks to obtain this information and hasn't provided me with it.

Assurant said that it believed that Mr R had modified the screenshot to show an alternate location of the phone. It said that the properties on the screenshot show that the information had been manipulated. In order to refute this, Mr R could've provided the location report from his phone provider and didn't. As he didn't do this, I'm persuaded by Assurant that the properties in the screenshot had been modified.

Further, Assurant said, that as Mr R had said that phone was linked to his online account, that account only showed two devices, the device that the video was being recorded on and another device, which was the phone that Mr R reported as lost, claimed for, and replaced previously. Due to all of these concerns, Assurant declined the claim.

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I acknowledge Mr R's strength of feeling about this complaint and the reason why he referred it to our service. But, in the overall circumstances of this complaint, I haven't seen enough evidence to show that Assurant acted unfairly. So, I won't be asking Assurant to do anything further here.

My final decision

For the reasons given, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 5 December 2023.

Ayisha Savage
Ombudsman