

## **The complaint**

Mr and Mrs W are unhappy that Admiral Insurance (Gibraltar) Limited declined a claim they made on their travel insurance policy.

## **What happened**

Mr and Mrs W were due to go on holiday in mid-September 2022. The trip was booked shortly before they were due to travel. A few days after they booked Mrs W's mother sadly died and so they were unable to travel as planned.

Admiral declined their claim for their unused holiday because they said Mrs W's mother had a pre-existing medical condition and was excluded under the policy terms. Mrs W complained about the decline of the claim and the slow process. Admiral maintained their decision to decline the claim was fair.

Our investigator looked into what had happened and didn't uphold the complaint. She thought Admiral had reasonably declined the claim on the basis of the available medical evidence. And she was satisfied that the claim was been progressed within a reasonable timescale, once the relevant evidence was received.

Mr and Mrs W didn't agree. They said there was no way that the death could have been foreseen and there was no terminal diagnosis. They also said that the medical certificate didn't list Alcoholic Liver Disease as a pre-existing condition or a condition that was being treated in the last 24 months. They highlighted that medication was given to stop the use of alcohol. This information didn't change the investigator's thoughts about the overall outcome of the complaint and so the complaint was passed to me to make 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.

The relevant rules and industry guidelines say that Admiral has a responsibility to handle claims promptly and fairly. And, they shouldn't reject a claim unreasonably.

The policy terms and conditions say:

We will not pay for any claim related to a pre-existing medical condition of other people whose health may affect your decision to travel or remain overseas such as a close relative, travel companion, close business associate or any person who you have arranged to stay with which they had at the start or renewal of your policy or when you booked a trip (whichever is later).

You can make a claim if you have to cancel or cut short your trip because of their death, serious illness or serious injury, providing it's not related directly or indirectly to any pre-existing medical condition (see Section 2).

This is also set out under the cancellation section of cover which says there is no cover for

any claim related to:

A pre-existing medical condition of other people whose health may affect your decision to travel or remain overseas, such as a close relative, travel companion, close business associate or person you have arranged to stay with, which they had at the start or renewal of your policy or when you booked a trip (whichever is later).

Pre-existing medical condition is defined as:

Any disease, illness or injury that you or any insured person (or any person your trip depends on) has, when arranging or renewing your policy, or when you book a trip (whichever is later).

I'm not upholding this complaint because:

- The holiday was booked in September 2022. The medical certificate refers to Mrs W's mother having liver function tests and trying to stop alcohol in May 2021. There is further reference to this in July 2021. The medical certificate also notes that she was taking medication for alcohol mis-use within the previous 24 months and had a history of alcohol abuse.
- The holiday was booked in September 2022, a few days before Mrs W's mother died. And the annual policy was taken out the same day she died.
- The medical certificate said the cause of death was recorded as sudden cardiac arrhythmia and history of chronic alcohol dependency. The coroner's preliminary report referred to 'Alcoholic Liver Disease'. The final report referred to 'Ketoacidosis Associated with Alcoholic Liver Disease'.
- I think it was reasonable for Admiral to conclude that the claim was related to a pre-existing medical condition based on the above evidence. Mrs W's mother had been receiving treatment and her history of alcohol misuse is clearly noted on her medical history. As the coroner concluded that the cause of death was 'ketoacidosis associated with alcoholic liver disease' I think Admiral reasonably concluded the exclusion applied.
- I've considered what Mr and Mrs W have said about Mrs W taking medication to stop drinking alcohol. But I think that indicates that Mrs W was receiving treatment and support with her alcohol use. So, I'm still satisfied the condition was pre-existing and that Admiral fairly declined the claim.
- Taking all of the above into account I think it's reasonable to conclude the condition which caused Mrs W's mother's death, either directly or indirectly, was present at the time of booking the trip or taking out the policy.
- I don't think there were unreasonable delays in assessing the claim. It took some time for all the medical evidence to be made available and I think Admiral assessed the claim within a reasonable time frame upon receipt of it.

### **My final decision**

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W and Mrs W to accept or reject my decision before 9 January 2024.

Anna Wilshaw  
**Ombudsman**