

## **The complaint**

Miss S has complained that Clydesdale Bank Plc (trading as Virgin Money) won't refund a withdrawal she says the cash machine did not dispense.

## **What happened**

Both sides are familiar with the case, so I'll summarise things in brief.

On 3 February 2023 Miss S tried to withdraw £240 at a cash machine. She says that when the cash wasn't dispensed, she tried again a few minutes later and this time the £240 was dispensed. However, she then discovered that both lots of £240 had been debited from her bank account.

Virgin Money found that records for the cash machine used by Miss S on 3 February 2023 showed both withdrawals were made successfully, and no errors were identified. It said there was no evidence of a banking error and pointed out that Miss S regularly withdrew £500 from cash machines.

Miss S maintained she hadn't received the first £240 and wanted Virgin Money to refund her.

Our Investigator looked into things independently and didn't uphold the complaint. Miss S didn't agree, so the complaint has been passed to me to decide.

Miss S maintained the cash machine hadn't dispensed the first £240. She said she didn't receive any receipts and the machine she used had regular reported problems.

## **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've reached the same outcome as our Investigator – and for largely the same reasons. I realise this will be very disappointing for Miss S and I'd like to assure her I haven't taken this decision lightly.

In doing so, I've very carefully considered all the evidence provided and if I don't mention a particular point, it's not because I haven't considered it, but I've focussed instead on what I believe to be important to the outcome of this complaint.

I appreciate Miss S's strength of feeling – and I don't underestimate the significance of the £240 to her. But I need to look at things objectively. Essentially, I can only tell Virgin Money to refund the disputed £240 if the evidence supports that it was not dispensed to Miss S.

According to the cash machine's electronic records, Miss S put in her card and PIN at 14.35 and 14.37 on 3 February 2023 and each time asked to withdraw £240. I've no reason to doubt Miss S's testimony that she didn't get a receipt for either transaction, but I can see the withdrawals were accepted, and two lots of £240 were dispensed. This also shows as two

debits on Miss S's bank statement, and the total amount requested is consistent with her previous cash machine activity.

I appreciate Miss S recalls the cash machine making a strange noise and the cash dispenser not opening after she made the first request for £240. And I can see from the cash machine data that errors have been reported previously. But the records I've seen don't suggest the machine experienced any errors in relation to the two transactions made by Miss S. In addition, the customers immediately before and after Miss S were able to use the machine without any issues.

So, the evidence I have strongly supports that Miss S asked for two lots of £240 and that the cash machine gave it out. And I've not seen anything which shows or substantiates that any of the cash did not get dispensed. So, I don't have a fair basis on which to tell Virgin Money to refund the disputed £240.

This is a difficult message for me to give. But given the evidence I have and the balance of probabilities, I'm unable to reasonably reach any other conclusion.

Taking all the evidence into consideration, I don't think this is a case where it would be fair and reasonable for me to ask Virgin Money to refund the £240 to Miss S.

So, I'm not going to tell Virgin Money to do anything further to resolve this complaint.

### **My final decision**

For the reasons I've explained, I don't uphold Miss S's complaint in this case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision **before 11 September 2023**.

Anna Jackson  
**Ombudsman**