

The complaint

Miss H complains about a declined buyer dispute claim through her account with PayPal (Europe) Sarl et Cie SCA ("PayPal").

What happened

The details of this complaint are well known to both parties, so I will not repeat them again here. The facts are not in dispute so I will focus on giving the reasons for my 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 agree with the conclusions reached by the investigator for these reasons:

- Miss H signed up to PayPal's User Agreement when she opened her account.
- The User Agreement says.

To be eligible for PayPal's Buyer Protection you must meet all of the following requirements:

Not have received a recovery or agreed to an alternative resolution related to your purchase from another source.

- It also says

You must choose whether to pursue a dispute with PayPal under our Buyer Protection program, or to pursue the dispute with your card issuer. You can't do both at the same time or seek a double recovery. If you pursue a dispute/claim with us and you also pursue a dispute for the same transaction with your card issuer, we'll close your dispute/claim with us. This won't affect the dispute process with your card issuer. In addition, if you pursue a dispute with your card issuer, you cannot pursue a dispute/claim with us later.

- Miss H has confirmed to me that she raised a successful chargeback with her card issuer. So, I'm satisfied that it's both fair and in line with the User Agreement when PayPal declined and closed her claim.
- PayPal have also sent evidence it returned the funds to the card issuer. So, this further satisfies that the chargeback was successful, and PayPal have fulfilled any obligation it had to return the funds.
- If Miss H hasn't received her funds back from her card issuer, she would need to raise a complaint with them.

For these reasons, I do not uphold this complaint.

My final decision

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

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

Tom Wagstaff
Ombudsman