

The complaint

Mrs C has complained about a cheque issued by Phoenix Life Assurance Limited in 2002.

Mr C represents Mrs C, who is his mother. All references to Phoenix Life include former financial businesses for which it is responsible.

What happened

The background to this dispute is well known to the parties so I won't repeat it in detail here. In summary Mrs C came across some documents many years after the passing of her father, Mr S. This led her, through her son Mr C, to enquire about any sums due to her.

Phoenix has provided evidence that a policy set up by Mr S with Mrs C as policyholder, matured and a cheque made payable to Mrs C was sent to the correct address and cashed. Mr C doesn't believe that a cheque sent by Phoenix Life was cashed by his mother, Mrs C. He says that she didn't have a bank account until 2005.

Our investigator didn't recommend that the complaint be upheld. Mr C appealed.

As no agreement has been reached the case has been passed to me to decide.

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.

Firstly I'm aware I've summarised the background to this complaint. No discourtesy is intended by this. Instead, I've focused on what I find are the key issues here. Our statutory function is to resolve complaints quickly and with minimum formality and our rules allow me to take this approach. It simply reflects the informal nature of our service as a free alternative to the courts.

Having considered everything before me, I agree with the conclusion reached by the investigator for the following reasons:

- Phoenix Life has submitted evidence of systems screenshots which confirm a cheque payable to Mrs C for £3,215.32 was issued on 17 September 2002 and that it was posted to Mrs C's correct address. I haven't disregarded Mr C's submission that Mrs C didn't have a bank account until 2005. However, a further screenshot from Phoenix Life confirms that the cheque cleared on 27 September 2002. I'm satisfied that Phoenix Life sent the cheque to the correct payee at the correct address.
- I understand that Mr C believes that Mrs S didn't receive the cheque. He says that Mrs S doesn't recall it and would like to know where the money went. Phoenix Life isn't required to retain data from 2002, and despite making further enquiries as to where the cheque was cashed and into what account the cheque was paid, Phoenix Life was unable to obtain any further information. It may be that the cheque was

endorsed, but there is no evidence to that effect. This isn't surprising, given the passage of time. On the evidence before me I can't say that there was an error on the part of Phoenix Life. I'm satisfied that the policy value was sent to the correct person at the correct address and subsequently cashed.

- I recognise that Mrs C will be disappointed by my decision and I'm sorry it doesn't bring more welcome news. But I don't find that Mrs C has been treated unfairly or that Phoenix Life has done anything wrong with regard to the issuing of the cheque when the policy matured. It follows that I don't require it to take any action.

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 Mrs C to accept or reject my decision before 20 February 2024.

Lindsey Woloski
Ombudsman