

## **The complaint**

Mr H has complained about Skyfire Insurance Company Limited. He isn't happy that it turned down a claim under his motor insurance policy.

## **What happened**

Mr H made a claim under his motor insurance policy. He drove through a flooded road and hit a pothole causing damage to his car. But when he made a claim under his policy Skyfire turned it down. It appointed an investigator to look into the claim and it wasn't satisfied that the accident happened as described. And it believed Mr H hadn't fully repaired his car after he was involved in a similar incident a few months before when Mr H was paid out by his insurer after it was agreed his car was a total loss and he retained the salvage.

So, Mr H complained to Skyfire and then this Service about this as he wasn't happy that it wouldn't deal with his claim. Our Investigator looked into things for Mr H but didn't uphold his complaint. He was of the view that Skyfire had undertaken a full investigation into the circumstances surrounding the claim including interviewing Mr H; looking at the road where he hit the pothole; and trying to verify whether Mr H had undertaken repairs to his car from the previous incident.

As Mr H didn't agree the matter 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.

Having done so I don't think the complaint should be upheld. I know this will come as a disappointment to Mr H, but I'll explain why.

I understand Mr H has raised other complaints that don't form part of this complaint so I won't consider those issues here as they will be advanced separately. This complaint has solely focussed on whether Skyfire acted fairly in declining Mr H's claim as they feel he hasn't been truthful in advancing his claim. And, in considering the evidence available, I can't say Skyfire has acted unfairly in turning down Mr H's claim. Plus, if Mr H gains further evidence that shows his car was fully repaired after the first accident it will reconsider its position which seems fair.

Although I can understand Mr H's position there isn't sufficient evidence to say his car was fully repaired after the previous incident which was very similar to this. And so, when he made this claim Skyfire, understandably, wanted to verify that it wasn't being asked to pay for the same damage again. It has genuine concerns that Mr H's car wasn't fully repaired after the previous incident and that he is claiming for the same repairs again having been paid the market value of his car before when he retained the salvage.

Skyfire also had other concerns as well. It has provided photos of the road Mr H said he hit a pothole on causing the damage that he is claiming for now and there clearly isn't any pothole

on the stretch of road concerned that would have caused the damage to Mr H's car. I know the road was flooded and so it is possible something else was involved. But Mr H has provided photos from the time of the flooded road and I don't think there is anything in the photos that would cause the level of damage outlined in his claim. And Mr H has changed his account at times as well so I can understand why Skyfire has some doubt about his account and events generally.

I know Mr H feels he has provided some evidence to show that he repaired the car after the first incident, but this isn't very detailed. And it doesn't cover key damage that was sustained in both the first and second incidents. And just because his car passed its MOT doesn't mean Mr H had all the previous repair work undertaken that he was paid out for.

Given this, and the various concerns Skyfire has about Mr H's claim I don't think it has acted unfairly in declining his claim.

### **My final decision**

It follows, for the reasons given above, that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 4 August 2023.

Colin Keegan  
**Ombudsman**