

TIO Decision – 18 February 2019

(De-identified for publication)

This document sets out my Decision on a complaint made by the Consumer about the Provider.

On 21 January 2019 I advised the parties of my proposed resolution (reproduced in the Appendix). The Consumer has accepted the proposed resolution, but the Provider did not respond.

Directions

The proposed resolution is my final Decision in this matter.

Accordingly, I DIRECT the Provider to pay the Consumer A\$273.48 by 11 March 2019.

Judi Jones

Telecommunications Industry Ombudsman

Appendix: Ombudsman's Proposed Resolution

Proposed Resolution

Based on the information given to me, my proposed resolution of this complaint is that the Provider should pay the Consumer A\$273.48 by 5 February 2019.

This is because the Provider has not substantiated the validity of charges it made to the Consumer's bank account.

1 Background

Approximately six years ago the Consumer had an account with the Provider. The Consumer used the Provider's service to make international calls. The Consumer has not used the Provider's services for approximately two years.

2 The complaint and the Provider's response

In March 2018, the Consumer says the Provider charged US\$205 to the Consumer's bank account and called them to say there was money on their account.

The Consumer says they disputed the charge with the Provider, and the Provider agreed to refund this money. The Consumer says they provided their bank account information to the Provider to process the refund, but the Provider has not done this.

The Consumer would like the Provider to resolve the complaint by refunding the Consumer A\$273.48.

The Provider has not provided a response or any information to my office about this complaint.

3 Reasons

The reason for my proposed resolution is the Provider has not substantiated the validity of charges it made to the Consumer's bank account.

3.1 No substantiation

Despite requests from my office, the Provider has not provided substantiation of the charges it applied to the Consumer's bank account.

On 20 September 2018 my office sent the Provider a notice of investigation, asking the Provider to provide a response to the Consumer's complaint by 5 October 2018. The Provider did not respond to this notice of investigation and has provided no information to substantiate the validity of the charge to the Consumer's bank account.

In the absence of any response from the Provider, and with the information the Consumer has provided my office, I accept the Consumer's version of events as more likely than not a correct representation of what occurred.

3.2 The charge

The Provider charged \$US205 to the Consumer's bank account, for which the Consumer also incurred an international transaction fee of A\$7.97.

The Consumer provided my office with a copy of their bank account statement for the period between 1 March 2018 and 30 March 2018.

On 16 March 2018, the Consumer's bank account statement (see excerpt in Figure 1 below) shows a US\$205 charge by the Provider. This charge includes an international transaction fee of A\$7.97.

Figure 1 Excerpt from the Consumer's bank account statement for 16 March

[Image of the Consumer's bank account statement excerpt]

The foreign exchange rate for United States dollars to Australian dollars on 16 March 2018 meant the Provider's charge, including the transaction fee, resulted in A\$273.48 being charged to the Consumer's account.