

# Press Distribution Charter

## Step 2 - Independent Arbitration Decision

**PDC Reference Number:**

PDC/232128/060224

**Date First Issued:**

06.02.2024

**Name of Arbitrator:**

Neil Robinson B.A. (Law), M.C.I.Arb.

**Date complaint sent to Arbitrator:**

28/03/2024 (Further and Better Particulars requested)

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. O. and Smiths News (SN), Unit B, Crossgate Drive, Nottingham, NG2 1LW. This complaint concerns alleged failure by SN to credit valid vouchers within 14 days of return contrary to Press Distribution Charter (PDC) Standard 7.3.

By PDC Step 1 Complaint Form dated 06/02/2024 Mr. O. complains that on 29/12/2023 he submitted a Voucher Envelope K607195 containing a Voucher Recall Note (No. 232128) together with the appropriate vouchers. He has received no credit for the said vouchers. Mr. O. has forwarded a photocopy of the Voucher Recall Note.

By letter dated 28/02/2024, Smiths News, acknowledged receipt of the Step 1 Complaint.

By letter dated the 28/02/2024 Smiths News advised Mr. O. that his complaint had been referred to the Data Management Team who were unable to validate the claim. Smiths News referred Mr. O. to the fact that, after forensic analysis, there was no evidence of a gap in his voucher returns history where voucher credits were missing and therefore the claim was rejected..

By Step 2 - Arbitration Statement of Case Smiths News identified that in a Voucher Return Envelope dated the 13/01/2024 there had been a higher number than usual of all types of vouchers and, taking this increase of vouchers into consideration, there did not appear to be any gap in the voucher history where the customer was missing vouchers. The matter had been referred to a publisher who also rejected the claim. The customer was asked if he could provide any further details in support of his claim, but none was forthcoming.

After careful consideration of the evidence submitted to me I adjudicate as follows:

1. On an assumption that a Voucher Return Envelope is placed in a tote box and collected by the wholesaler, responsibility for the envelope and its content become that of the wholesaler.
2. In such circumstances the question becomes did a Voucher Return Envelope go into a tote box collected by the wholesaler and, if so, what happened to it.
3. In determining this question I must consider the evidence before me. Evidence refers to any information or data that supports a claim. It can take various forms such as statistics, research findings, expert opinion, an object or eyewitness accounts. Whatever form it takes it must be relevant, reliable and admissible to be considered valid. The weight and credibility of evidence depend on factors such as source, reliability, context and consistency with other evidence. It is essential for me to evaluate and weigh the evidence in order to make an informed decision thereby drawing on conclusions based on fact rather than assumptions.

4. In this case I have considered the witness statement of Mr. O. that he prepared his Voucher Return Envelope and forwarded it to SN via a tote box. This was supported by a copy of the Voucher Recall Note. Against this, SN has undertaken a forensic examination of Mr. O.'s voucher return history and deduced that there are no apparent gaps thereby identifying a possible missing envelope.

5. When comparing a person's statement that they did something versus a forensic analysis of data, it is important to consider the reliability and credibility of each type of evidence. A person's statement may be subjective and influenced by factors such as memory, bias, mistake or intent to deceive. On the other hand, forensic analysis of data, is typically more objective based on scientific methods.

6. Forensic analysis can provide concrete and verifiable information that can be used to support or refute a claim. This type of evidence is often considered to be more reliable due to its objectivity and scientific basis.

7. While a person's statement provides valuable information, forensic analysis of data is generally more reliable and objective when determining the validity of a claim.

8. I have considered both types of evidence in context and weighed up their respective strengths and limitations. On the balance of probabilities I adjudicate in favour of SN and dismiss Mr. O.'s claim.

*Neil Robinson*

Signature of Arbitrator: \_\_\_\_\_

Date: 4th April 2024

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

04/04/2024

Date Independent Arbitration Decision sent to Wholesaler & Retailer:

05/04/2024