



Am I Responsible For An Uncashed Check?

[#43]

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Today we're going to be discussing a case of an uncashed check. Let's say a scenario of somebody goes and pays with a check in a store and he realizes, at the end of the month when he's checking his balances, that this check was never cashed.

What does he do now? Does he need to call them up? Is it his responsibility? To what extent does he have to take care of this uncashed check? Let's say he did give it to the company or the store, and sometimes people don't write the name of the person the check is going to, and the store then gave that check to somebody else as a payment of their own as well. So the question is, to what extent am I responsible for giving it to the store and, as well, to what extent am I responsible for tracking down that check, if it's actually changed hands between one or more people after I actually paid for it the first time?

This question is addressed in the *sefer* called *Living with Honesty*, by Rabbi Moshe Dovid Lebovits, which is based on the teachings of Rav Yisroel Belsky ztz"l. He brings this question and says that Rav Belsky holds that, yes, you are obligated to call the merchant, the place that you actually paid the first time and gave them the check.

The reason is, because you gave them, technically, a piece of paper. You gave them a check and they never got their money out of that check. He says, your responsibility is to actually call up the store or the service of the merchant and actually ask them, what happened with the check that they didn't cash the check?

Now, if they say, "Yeah, we got the check and it's okay, don't worry about it", then that's fine. If it's someone who has the authority to say, "don't worry about it". But if they say, "Yes, there was an issue and you need to send us another check", then you are responsible to actually follow up and give them their money. Because you received a product, you got a service, and they never got their money for it.

That's the first part. Now, what about if like we said, they actually used that check and carried it on to pay for something of their own? This merchant went and took your check and used it as payment for someone else. Again, without writing the name of who it's going to. He says over here, sometimes this happens and the check just keeps circulating and circulating, as what stops the next guy and the next guy from handing the check over as their own payments? And it actually does happen that checks change hands many times.

Rav Belsky says over here, he's had people that actually checked for a few weeks trying to track down checks and they never got to the end of where it was. So he says over here, it could be actually impossible to track it down. Nobody remembers what happened to the check and where it is and there's no way of finding out.

He says, that in such a case, as long as you called the person that you gave the check to and you did the responsible thing, then whatever they did with that check afterwards is not your responsibility. Meaning, if they know that they had the check and they say, "We agree that we got the payment from you, we did something else with the check", then you're not responsible. You have a responsibility for the person you gave it to, but not after that.***

***Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly. You can send your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

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