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DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT, 24 OF 1956 (“the Act”): M MVUNDLELA (“the complainant”) v RENT 2 RENT PROVIDENT FUND (“the respondent”)

1. Introduction

- 1.1 The complaint concerns the non-payment of a benefit to the complainant by the respondent pension fund when he exited on termination of his service.
- 1.2 The complaint was received by this office on 3 April 2007 and a letter acknowledging receipt thereof was sent to the complainant on 28 May 2007. On 21 June 2007 a letter was dispatched to the respondent requesting it to file a response to the complaint by no later than 23 July 2007. The response was received on 2 August 2007 and a copy of same was sent to the complainant. No reply has been received.
- 1.3 After reviewing the written submissions, it is considered unnecessary to hold a hearing in this matter. The determination and reasons therefor appear below.

2. Complaint

- 2.1 The complainant commenced employment with Barloworld Equipment trading as the CAT Rental Store on 1 March 2006, and as a consequence became a member of the respondent. He was dismissed in January 2007

M Mohlala (Adjudicator), N Jeram (Deputy Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), L Shrobbree (Snr Assistant Adjudicator), Z Camroodien (Snr Assistant Adjudicator), F Mtayi (Snr Assistant Adjudicator), K MacKenzie (Snr Assistant Adjudicator), R Maharaj (Snr Assistant Adjudicator), N van Coller (Assistant Adjudicator), L Mbalo (Assistant Adjudicator), V Abrahams (Assistant Adjudicator), S Gcelu (Assistant Adjudicator), T Nekile (Assistant Adjudicator), M Ramabulana (Assistant Adjudicator), N Sihlali (Assistant Adjudicator), S Mothupi (Assistant Adjudicator)

Office Manager: L Manuel

and claims that to date he has not received a withdrawal benefit from the respondent. He approaches this tribunal to investigate the delay in payment.

- 2.2 The complainant has also raised issues concerning the fairness of his dismissal from employment in his complaint.

3. Response

- 3.1 The respondent confirms that the complainant was a member and that he became entitled to a pension benefit on withdrawal from the fund. However, it claims that he was paid this benefit, which amounted to R1 635 after deduction of tax, on 29 March 2007.
- 3.2 In response to a request from this office the respondent further furnished proof of this payment, from which it appears that a deposit in the above amount was indeed made into the complainant's account on 30 March 2007.
- 3.3 The respondent requests that the complaint be dismissed.

4. Determination and reasons therefor

- 4.1 Although the complainant has not replied to the response, his complaint was lodged after payment was allegedly made, so I cannot assume that the matter is resolved as far as he is concerned. However, the fact that he has not contested the evidence furnished by the respondent leaves me with no basis on which to find in his favour, since the only evidence available is that which confirms the respondent's contention that payment was made to him.
- 4.2 As regards the grievance concerning the complainant's dismissal from employment, this is a labour dispute and I do not have the jurisdiction to investigate it. (See *Armaments Development and Production Corporation of South Africa Ltd v Murphy NO and Others* [1999] 11 BPLR 227 (C).)

5. Relief

- 5.1 The complaint is dismissed.

