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Please quote our reference: PFA/NW/2175/2005/NVC

**Re: DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT 24 of 1956 (“the Act”): W M Dipheko v Grain Industry Provident Fund (“the fund”) and NWK (Pty) Limited (“NWK” or “the employer”)**

### Introduction

[1] Your complaint concerns the non-receipt of the cheque that was issued by the fund after your disability was approved and you exited from the fund. Your reformulated complaint was received on 3 October 2005 and a letter acknowledging receipt thereof was sent to you on 2 November 2005. On 2 November 2005 letters were dispatched to the fund and employer requesting them to submit responses to your complaint by 23 November 2005. The response from the employer was received on 17 November 2005. The employer copied you with its response and it was also sent to you by this office on 9 May 2006 for a reply by 31 May 2006. No written reply has been received from you, but on 6 November 2006 your representative provided this office with a telephonic reply. After considering the written submissions before me, I consider it unnecessary to hold a hearing in this matter. My determination and reasons therefor appear below. As the background facts are well known to all the parties, I shall not burden this determination by repeating them here.

### Complaint

[2] You are unhappy that you have not received the cheque that was issued by the fund after the approval of your disability claim in October 2001.

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V Ngalwana (Adjudicator), N Jeram (Deputy Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), L Shrosbree (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), J Mabuza (Assistant Adjudicator), V Abrahams (Assistant Adjudicator), S Gcelu (Assistant Adjudicator), T Thabethe (Assistant Adjudicator), M Ramabulana (Assistant Adjudicator)

Office Manager: L Manuel

NWK's response

- [3] NWK states that cheque numbers 2271 for R44 035.50 (the disability benefit) and 976 for R4 753.07 (additional interest) were paid into the ABSA bank account into which it deposited your salary each month.

Determination and reasons therefor

- [4] Your representative, Sidney, advised my assistant during a telephonic discussion on 6 November 2006, that NWK paid your benefit into your ABSA bank account, but it was later discovered that the bank had unilaterally closed your account, and that the bank was apparently investigating what may have happened to the proceeds in the account.
- [5] From the evidence before me the fund has discharged its duty to make payment to you, and the non-receipt of the benefit ought to be taken up with the bank, again. Your complaint at this tribunal cannot succeed.
- [6] The file is hereby closed.

Dated at Cape Town on this the                      day of                      2006.

Yours faithfully

**Vuyani Ngalwana**  
**Pension Funds Adjudicator**