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Please quote our ref: PFA/MP/4278/05/LCM

RE: DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT 24, 1956 (“the ACT”): M A SKOSANA (“the complainant”) (estate late: MM SKOSANA) v CONSTRUCTION INDUSTRY RETIREMENT BENEFIT FUND (“the respondent”)

1. Introduction

1.1 The complaint concerns the alleged failure by the respondent to pay a withdrawal benefit to the Mr MM Skosana (“the deceased”) who was its member.

1.2 The complaint was received by this office on 12 July 2005. On 17 August 2005, a letter acknowledging receipt of the complaint was sent to the complainant. On 17 August 2005, a letter was dispatched to Alexander Forbes Financial Services giving it until 7 September 2005, to file a response to the complaint. Furthermore, on 30 September 2005, another letter was dispatched to NBC Holdings (Pty) Ltd giving it until 21 October 2005 to file a response to the complaint. On 2 September 2005, Alexander Forbes Financial Services furnished the response dated 2 September 2005 on its behalf and on behalf of the respondent. On 18 October 2005, NBC Holdings (Pty) Ltd also furnished a response on behalf of the respondent.

1.3 Having considered the written submissions filed before this tribunal, it is considered unnecessary to hold a hearing in this matter. The determination and reasons therefor appear below.

2. The factual background

2.1 The deceased to whom the complainant was married was employed by Group 5 Civils (Pty) Ltd (“the employer”). By virtue of the deceased’s employment he became a member of the respondent until 13 December 1996 when he was dismissed. Following the deceased’s dismissal the respondent became liable to

M Mohlala (Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), F Mtayi (Snr Assistant Adjudicator), K MacKenzie (Snr Assistant Adjudicator), R Maharaj (Snr Assistant Adjudicator), M Ndaba (Snr Assistant Adjudicator), M Daki (Snr Assistant Adjudicator), E de la Rey (Snr Assistant Adjudicator), N van Coller (Assistant Adjudicator), L Mbalo (Assistant Adjudicator), S Gcelu (Assistant Adjudicator), M Ramabulana (Assistant Adjudicator), N Sihlali (Assistant Adjudicator), S Mothupi (Assistant Adjudicator), P Mphephu (Assistant Adjudicator), C Seabela (Assistant Adjudicator), P Myokwana (Assistant Adjudicator), L Nevondwe (Assistant Adjudicator)

Office Manager: L Manuel, Financial Manager: F Mantsho, Accountant: R Soldaat

MAMODUPI MOHLALA
PENSION FUNDS ADJUDICATOR