



HEAD OFFICE

Johannesburg

2nd Floor, Sandown House
Sandton Close 2, Sandton, 2196
PO Box 651826, Benmore, 2010
Tel (011) 884-8454 □ Fax (011) 884-1144
E-Mail: enquiries-jhb@pfa.org.za

Cape Town

2nd Floor, Oakdale House, The Oval
Oakdale Road, Newlands, 7700
P O Box 23005, Claremont, 7735
Tel (021) 674-0209 □ Fax (021) 674-0185
E-mail: enquiries@pfa.org.za
Website: www.pfa.org.za

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DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT NO 24 of 1956 (“the Act”): E MOEKETSANE (“the complainant”) v SATAWU NATIONAL PROVIDENT FUND (“first respondent”); MAXI SECURITY ALLIANCE (PTY) LTD (“second respondent”) and ROBSON SAVAGE (PTY) LTD (“third respondent”)

1. Introduction

- 1.1 The complaint concerns the non payment of a withdrawal benefit by the third respondent upon the complainant exiting the second respondent.
- 1.2 The complaint was received by this office on 26 May 2006. A letter acknowledging receipt thereof was sent to the complainant on 31 May 2006. On the same date, a letter was sent to the first, second and third respondents informing them about the complaint and giving them until 21 June 2006 to respond to the complaint. Responses were received on 13 September 2006, 08 February 2007 and 05 October 2007 respectively. The first respondent sent a response on 08 February 2007. The second respondent sent a response on 13 September 2006. The third respondent sent a response on 05 October 2007. The complainant sent a reply to the respondents’ responses on 10 October 2007.

M Mohlala (Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), Z Camroodien (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 Ray (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), M Qhali (Assistant Adjudicator),

Office Manager: L Manuel, Senior Accountant: F Mantsho

1.3 Subsequent to considering the written submissions before this tribunal, it is unnecessary to hold a hearing in this matter. As the background facts are well known to the parties, only facts which are relevant to the issues raised herein shall be repeated. The determination and reasons therefor follow.

2. Factual background

2.1 The complainant was a member of the first respondent by virtue of his employment with the second respondent. The complainant was in the employ of the second respondent from 14 February 2003 until 31 December 2005. Upon the complainant's exit from the first respondent, a withdrawal benefit became due and payable to him.

2.2 On several occasions, the complainant requested the second respondent to pay him his withdrawal benefit but without any success. The complainant was paid an amount of R2 398.80 as his withdrawal benefit on 10 August 2006.

3. The complaint

3.1 The complainant is not satisfied with the amount of money that he received as his withdrawal benefit.

4. First respondent's response

4.1 The first respondent submitted to this tribunal a benefit calculation spreadsheet which indicates that the complainant joined the employment of the second respondent on 01 May 2004 and exited it (the first respondent) on 31 August 2005. The benefit calculation spreadsheet further indicates that the fund credit at the exit date was R427.29 and a late payment interest of R21.84 was also paid.

5. Second respondent's response

The second respondent advises that the complainant has received his withdrawal benefit. The withdrawal issue was settled at their offices on 10 August 2006 and that the complainant has received what was due to him.

6. Third respondent's response

The third respondent advises that the complainant exited the first respondent on 31 August 2005. The third respondent took over the administration of the first

Mamodupi Mohlala
Pension Funds Adjudicator