



4th Floor
Riverwalk Office Park
Block A, 41 Matroosberg Road
Ashlea Gardens, Extension 6
PRETORIA
SOUTH AFRICA
0181

P.O. Box 580, **MENLYN**, 0063
Tel: 012 346 1738 / 748 4000
Fax: 086 693 7472
E-Mail: enquiries@pfa.org.za
Website: www.pfa.org.za

Please quote our reference: **PFA/WC/000111880/2024/MM**

Dear Sir,

DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT, 24 OF 1956 (“the Act”): YA MAFENUKA (“complainant”) v FUNDSATWORK UMBRELLA PROVIDENT FUND (“fund”) AND NOMALINDE NOFINISH PRISCILLA QWESHILA (“Nomalinde”); NOMALINDE NOFINISH PRISCILLA QWESHILA OBO SAMKELE QWESHILE (“Samkele”) AND PHUMLA CHRISTINA MZAYIYA OBO MVELO MDA MZAYIYA (“Phumla”)

[1]INTRODUCTION

1.1 This complaint concerns the allocation and distribution of a death benefit by the fund following the death of its member, Mr N Qweshile (“the deceased”).

1.2 The Adjudicator received the complaint on 10 May 2024. On the same date, a notification of the complaint was sent to the fund affording it until 10 June 2024 to submit its response. On the same date, the complaint was registered, and notification was sent to the complainant. On 10 June 2024, the fund requested an extension until 24 June 2024, which was granted. On 14 June 2024, a response was received from the fund. On the same date, the complainant was provided with the fund’s response to reply by 28 June 2024. On 18 June 2024, a reply was received from the complainant. On the same date, the complainant’s reply was forwarded to the fund for a reply by 2 July 2024. On 24 June 2024, further submissions were received from the complainant. On 27 June 2024, a reply was received from the fund. On the same date, the fund’s submissions were forwarded to the complainant for a

The Office of the Pension Funds Adjudicator was established in terms of Section 30B of the Pension Funds Act, 24 of 1956. The service offered by the Pension Funds Adjudicator is free to members of the public.

Centralised Complaints Helpline for Other Financial Ombud Schemes 0860 OMBUDS (086 066 2837)

reply by 11 July 2024. On 8 July 2024, further submissions were received from the complainant.

1.3 On 19 September 2024, a joinder letter in terms of section 30G(d) of the Act was sent to Nomalinde and Phumla, requesting their responses by 19 October 2024. On the same date, a response was received from Phumla. On 28 September 2024, further submissions were received from the complainant. On 4 and 21 October 2024, oral submissions were received from Nomalinde. No further submissions were received from the parties.

1.4 Having considered the written submissions, the Adjudicator considers it unnecessary to hold a hearing in this matter. The determination and reasons therefor appear below.

[2]FACTUAL BACKGROUND

2.1 The deceased was a member of the fund until he passed away on 15 January 2015. The complainant is the son of the deceased.

2.2 Following the death of the deceased, a death benefit of R572 669.27 (before tax) became available for distribution to his beneficiaries in terms of section 37C of the Act. The board resolved to allocate the death benefit as follows:

Beneficiary	Relationship	Date of birth	Allocation	Amount
Nomalinde Nofinish Priscilla Qweshile	Mother	2/9/1942	20%	R114 533.85
Samkele Qwelishile	Son	5/9/1998	17%	R97 353.78
Mvelo Mda Mzayiya	Son	3/7/2012	63%	R360 781.64

[3]COMPLAINT

3.1 The complainant averred that the fund paid the deceased's dependants without proper investigations by excluding him as the deceased's son. The complainant submitted that the deceased passed away when he was still young. He submitted that he is now a University of Western Cape student.

3.2The complainant submitted that in 2023, when he was struggling financially, he enquired about where the deceased was employed. He found out the deceased was working at Metropolitan.

3.3He submitted that he contacted the fund regarding the deceased's death benefit and found out that he was not nominated as a beneficiary. The complainant submitted that he was later asked to provide proof that the deceased was his father by way of an unabridged birth certificate.

3.4The complainant submitted that he proposed to do a DNA test with his little brother and was told of the prescription period. He indicated that he was eight years old when the deceased passed away.

3.5The complainant wants the Adjudicator to investigate whether there are any outstanding contributions that the employer was required to pay to the fund or whether any unlawful deductions have been made.

[4]RESPONSE

Fund

4.1The fund submitted that the deceased passed away on 12 January 2015, and a lump sum benefit amounting to R572 669.27 (before tax) became payable. The fund submitted that it identified the deceased's mother, girlfriend, and two minor sons as potential beneficiaries of the deceased member's death benefit.

4.2The fund submitted that as part of its section 37C investigation, it established the following facts regarding the deceased's potential beneficiaries:

- The deceased's mother, NNP Qweshile, was 72 years of age. She lived with the deceased member. She was in receipt of a SASSA pension. She was financially dependent on the deceased for her household needs.
- The deceased's girlfriend, PC Mzayiya was 33 years old. She did not live with the deceased member. She was employed and not financially dependent on the deceased.
- The deceased's minor son, S Qweshile was 16 years old. He was a grade 9 learner. He was in the care of the deceased's mother NNP Qweshile as his mother was deceased.

- The deceased's minor son, MM Mzayiya was two years old. He was financially dependent on the deceased.

4.3The fund submitted that the deceased completed a beneficiary nomination form dated 1 October 2014 as follows:

Name	Relationship	Date of birth	status	allocation
Nomalinde Nofinish Priscilla Qweshile	Mother	2/9/1942	Dependant	20%
Samkele Qwelishile	Son	5/9/1998	Dependant	40%
Mvelo Mda Mzayiya	Son	3/7/2012	Dependant	40%

4.4The fund submitted that the deceased was a member of an employer-owned lump sum death benefit policy with a benefit amounting to R280 003.20, which was distributed as follows:

Name	Allocation	Amount
Nomalinde Nofinish Priscilla Qweshile	20%	R56 000.64
Samkele Qwelishile	40%	R112 001.28
Mvelo Mda Mzayiya	40%	R112 001.28

4.5The fund submitted that based on all the facts set out above, the resolution adopted by the fund provided for a distribution as per paragraph 2.2 above.

4.6The fund submitted that it finalized payment to all beneficiaries in February 2016 in accordance with the final resolution adopted by the fund. The fund submitted that the death claim investigation did not identify the complainant as a potential beneficiary because the complainant is not registered as the child of the deceased member.

4.7The fund indicated that the above was supported by the unabridged birth certificate provided by the complainant, the family of the deceased only mentioned the children whom were allocated a portion of the benefit and the deceased did not nominate the complainant despite him being born between the two children nominated and allocated a portion of the benefit.

4.8 The fund submitted that the payments to the beneficiaries were finalised in February 2016. More than eight years have since passed. The fund indicated that Section 30I of the Act states that the Adjudicator may not investigate a complaint if the act or omission to which it relates occurred more than three years after the complaint was received.

“30I. Time limit for lodging of complaints.—(1) The Adjudicator shall not investigate a complaint if the act or omission to which it relates occurred more than three years before the date on which the complaint is received by him or her in writing”

Complainant's reply

4.9 The complainant submitted that section 37C of the Act imposes a duty on the board to conduct a proper investigation to determine all the “dependants” of the deceased member. What this means is that the trustees cannot merely follow the beneficiary nomination made by the member during his/her lifetime – the board must establish who the persons are who fall within the ambit of “dependant” as defined in the Act.”

4.10 The complainant challenged the fund's submissions that excluded him based on his unabridged birth certificate and submissions received from family members who benefitted in this regard.

4.11 The complainant submitted that if this is true, according to the fund, this implies that the family intentionally lied to the fund to benefit from a greater portion of the benefit because the deceased's mother knows him for a fact. Not only do they stay in the same area, but the deceased paid “lobola” of R10 000 to his family.

4.12 The complainant submitted that lobola is a contribution made by a father to a family for impregnating without marriage to the mother's side. It is most common in the African culture; not only was the deceased's mother present at the time of the lobola negotiations, but she was also present when he went with Mr Samkele Qweshile on more than 1 trip to the Western Cape during the school holidays to visit the deceased.

4.13 The complainant submitted that if Phumla Mzayiya, who is the mother of Mvelo Mdayiya, was present at these discussions of the benefits, which he believes

she was because on the resolutions of the committee on page 2, she was able to confirm by herself that she did not live and was not dependent on the deceased.

4.14 The complainant indicated that this would then also mean she was involved in not mentioning him as the son of the deceased with the hopes of gaining a larger proportion of the benefit, which is unlawful and perjury, which is a punishable crime in South Africa.

4.15 The complainant submitted that Phumla also knows him as she provided the fund with a photo of him, Samkele, and Mvelo at the deceased's funeral. The complainant submitted that according to section 37C of the Act, although a nomination form would be beneficial in helping the board be more aware of him, it was not mandatory.

4.16 The complainant submitted that although the Act limits the period of time within which you can submit a complaint. The Adjudicator is allowed to investigate a complaint if he can find good cause as to why this period should be extended. The complainant submitted that for example, a person was not aware of the existence of a benefit, this could be grounds for an extension. However, a person would have to lodge a complaint within three years of becoming aware of the benefit.

4.17 The complainant submitted that he is also arguing that he was not aware of benefit because those who were present at the fund decided to be inconsiderate and omit benefits for their own benefit so it is quite apparent that they would not tell him in any case that there was a benefit for disposal.

4.18 The complainant submitted that his mother was not informed about death benefits. She never knew where the deceased was working at that time because she was no longer his girlfriend. The complainant submitted that his first contact with the fund was only in 2023.

4.19 The complainant submitted that three years have not passed since he became aware of the fund. The complainant submitted that Samkele Qweshile would be considered the deceased's biological son if he was legally adopted. The complainant submitted that Samkele Qweshile is the deceased's sister's son who passed away, and then the deceased decided to take care of him.

4.20 The complainant submitted that he never stayed with the deceased's mother and was always under the care of his grandmother from his mother's side. The complainant submitted that the deceased's mother and Phumla directly affected his future by lying because of intentions of personal gains, which deprived him of a financially stable life and a good education.

4.21 The complainant submitted that it is quite despicable that their actions directly impacted the ability of the trustees to act appropriately under section 37C because, in the end, the settlement made was not in the best interest of all the deceased's dependants.

4.22 The complainant submitted that the deceased's mother and Phumla could still have some of the benefits, which can be recovered from them and added to his portion. The complainant enquired whether the fund asked the family if there were any other children besides the ones listed. If not, then the fund failed in terms of section 37C of the Act in doing proper research about the deceased's dependants.

Fund's further submissions

4.23 The fund submitted that the death claim investigation did not identify the complainant as a potential beneficiary because the complainant is not registered as the child of the deceased, which is supported by the unabridged birth certificate provided by the complainant. The family of the deceased did not mention the complainant. The deceased's family only mentioned the 2 children who were both allocated a portion of the benefit.

4.24 The fund submitted that the deceased also did not nominate the complainant to receive a portion of the benefit. The complainant has also not provided any proof that the deceased member supported him financially. The fund submitted that regarding the complainant's suspicions that S Qweshile is not the biological child of the deceased member, the deceased reflected S Qweshile as his son on the beneficiary nomination form and the deceased's family also confirmed the relationship at the time.

Complainant's further submissions

- 4.25 The complainant submitted that since the fund checked his relationship with the deceased at Home Affairs and found nothing, they should have used that same level of competence on S Qweshile and M Mdayiya to confirm their validity as dependants.
- 4.26 The complainant enquired as to how the fund checked the relationship of the other two children because the abridged birth certificate in South Africa came into existence in 1995. The complainant indicated that if the fund had checked S Qweshile with Home Affairs they would have found out that the deceased's sister was S Qweshile's mother.
- 4.27 The complainant submitted that just because of the nomination, the fund conducted no investigation of its own and trusted the word of the family with an R800 thousand benefit, excluding the education benefit, knowing well the greed that usually happens with death benefits. However, the fact of the matter is that the trustees did not investigate.
- 4.28 The complainant submitted that he is not liable for the family lying about him. The complainant submitted that the fund could have avoided this if they had simply investigated properly.
- 4.29 The complainant submitted that the evidence that the deceased supported him is very much at large; it is just unfortunate that he was a minor and cannot produce bank statements. The complainant submitted that he would go on trips with S Qweshile to the Western Cape and S Qweshile can confirm this. The complainant submitted that even the lobola can be confirmed by the deceased's mother.
- 4.30 The complainant submitted that many people can testify that the deceased supported him, and as his biological son, he automatically qualifies as a dependant according to section 37C of the Act. The complainant submitted that a nomination is just a wish form and does not force the board to make a decision based on it without conducting its own investigation.

Phumla

4.31 Phumla submitted that she agrees that the deceased indeed made a mistake of not involving his son. She indicated that she would not dwell more on other parties involved here who had the power and opportunity to rectify this. Phumla submitted that she consents to the complainant getting his share from Mvelo's portion.

Nomalinde

4.32 Nomalinde orally submitted that she no longer has any money and that the deceased did not mention the complainant in the nomination form. She also indicated that she was struggling financially and that Samkele was still a child and he did not know anything about any money as the benefit was paid to her.

4.33 Nomalinde stated that this is causing her stress by reminding her of her deceased son. She stated that the complainant should also receive some benefit, if there is any. She indicated that she has no objections to the Adjudicator's outcome.

4.34 On 21 October 2024, Nomalinde confirmed that the complainant is the deceased's child.

[5] DETERMINATION AND REASONS THEREFOR

Preliminary issue

Time-barring

5.1 Section 30I of the Act imposes a three-year time limit on complaints that may be investigated by the Adjudicator and states as follows:

“(1) The Adjudicator shall not investigate a complaint if the act or omission to which it relates occurred more than three years before the date on which the complaint is received by him or her in writing.

(2) The provisions of the Prescription Act, 1969 (Act No. 68 of 1969), relating to a debt apply in respect of the calculation of the three-year period referred to in subsection (1).”

5.2 The provisions of section 30I preclude the Adjudicator from investigating and adjudicating any complaint if the act or omission to which it relates occurred more than three years prior to receipt of a written complaint in that regard. Furthermore, in terms of section 12(1) of the Prescription Act No 68 of 1969, prescription commences to run as soon as the debt is due. Section 12(3) provides that a debt shall not be deemed to be due until the creditor has knowledge of the identity of the debtor and of the facts from which the debt arises, provided that a creditor shall be deemed to have such knowledge if he could have acquired it by exercising reasonable care.

5.3 The complaint was lodged with the Adjudicator on 19 April 2024. It must be noted that at the time of the deceased's death, the complainant was still a minor. Section 13(1) of the Prescription Act, No. 68 of 1969, reads as follows:

“13.Completion of prescription postponed in certain circumstances

(1) If—

- (a) the creditor is a minor or is a person with a mental or intellectual disability, disorder or incapacity, or is affected by any other factor that the court deems appropriate with regard to any offence referred to in section 12 (4), or is a person under curatorship or is prevented by superior force including any law or any order of court from interrupting the running of prescription as contemplated in section 15 (1); or
- (b) the debtor is outside the Republic; or
- (c) the creditor and debtor are married to each other; or
- (d) the creditor and debtor are partners and the debt is a debt which arose out of the partnership relationship; or
- (e) the creditor is a juristic person and the debtor is a member of the governing body of such juristic person; or
- (f) the debt is the object of a dispute subjected to arbitration; or
- (g) the debt is the object of a claim filed against the estate of a debtor who is deceased or against the insolvent estate of the debtor or against a company in liquidation or against an applicant under the Agricultural Credit Act, 1966 (Act No. 28 of 1966); or
- (h) the creditor or the debtor is deceased and an executor of the estate in question has not yet been appointed; and

- (i) the relevant period of prescription would, but for the provisions of this subsection, be completed before or on, or within one year after, the day on which the relevant impediment referred to in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) has ceased to exist,

the period of prescription shall not be completed before a year has elapsed after the day referred to in paragraph (i).

5.4The complainant became aware of the fund's distribution on 29 September 2023. At the time of death, the complainant was 8 years old and still a minor. The complainant became a major on 27 September 2024. According to the above provision, prescription only ceases a year after an individual is no longer a minor. Therefore, the complainant had until September 2025 to lodge a complaint. Therefore, the matter is not time-barred, and the Adjudicator has jurisdiction to investigate and determine the matter.

Issues

5.5The issue to be determined is whether the board conducted a proper investigation in terms of section 37C of the Act and made an equitable allocation of the death benefit to the beneficiaries of the deceased.

5.6The disposition of a death benefit is regulated in terms of section 37C of the Act, which provides as follows:

“37C.Disposition of pension benefits upon the death of a member

- (1)Notwithstanding anything to the contrary contained in any law or in the rules of a registered fund, any benefit (other than a benefit payable as a pension to the spouse or child of the member in terms of the rules of a registered fund, which must be dealt with in terms of such rules) payable by such a fund upon the death of a member, shall, subject to a pledge in accordance with section (19)(5)(b)(i) and subject to the provisions of section 37A(3) and 37D, not form part of the assets in the estate of such a member, but shall be dealt with in the following manner:

- (a)If the fund within twelve months of the death of the member becomes aware of or traces a dependant or dependants of the member, the benefit shall be paid to such dependant or, as may be deemed

equitable by the board, to one of such dependants or in proportions to some of or all such dependants.

(b) If the fund does not become aware of or cannot trace any dependant of the member within twelve months of the death of the member, and the member has designated in writing to the fund a nominee who is not a dependant of the member, to receive the benefit or such portion of the benefit as is specified by the member in writing to the fund, the benefit or such portion of the benefit shall be paid to such nominee: Provided that where the aggregate amount of the debts in the estate of the member exceeds the aggregate amount of the assets in his estate, so much of the benefit as is equal to the difference between such aggregate amount of debts and such aggregate amount of assets shall be paid into the estate and the balance of such benefit or the balance of such portion of the benefit as specified by the member in writing to the fund shall be paid to the nominee.

(bA) If a member has a dependant and the member has also designated in writing to the fund a nominee to receive the benefit or such portion of the benefit as is specified by the member in writing to the fund, the fund shall within twelve months of the death of such member pay the benefit or such portion thereof to such dependant or nominee in such proportions as the board may deem equitable: Provided that this paragraph shall only apply to the designation of a nominee made on or after 30 June 1989: Provided further that, in respect of a designation made on or after the said date, this paragraph shall not prohibit a fund from paying the benefit, either to a dependant or nominee contemplated in this paragraph or, if there is more than one such dependant or nominee, in proportions to any or all of those dependants and nominees.

5.7 It is the board's responsibility when dealing with the payment of death benefit claims to conduct a thorough investigation to determine the beneficiaries, and thereafter decide on an equitable distribution and finally decide on the most appropriate mode of payment of the benefit payable. Their duties in this regard were summarised in *Sithole v ICS Provident Fund and Another* [2000] 4 BPLR 430 (PFA), at paragraphs 24 and 25, as follows:-

"When making an "equitable distribution" amongst dependants the board of management has to consider the following factors:

- the age of the dependants – younger, minor children may need to be allocated larger amounts of the benefit, as they may need a longer period of dependency before they are capable of supporting themselves;
- the relationship with the deceased – the board must ensure that it does not fetter its discretion by favoring legal dependants over factual dependants without justification;
- the extent of dependency – the board must consider whether a beneficiary was totally or partially dependent on the deceased. The person's dependency in relation to other beneficiaries should also be compared. Those who were more dependent would probably need greater assistance and therefore, a greater benefit;
- the wishes of the deceased placed either in the nomination form and/or his last will – this is merely one of the factors to be considered by the board when effecting an equitable distribution, and the board must ensure it does not fetter its discretion;
- financial affairs of the dependants including their future earning capacity potential – the board should consider the beneficiaries, this includes income expenses and other assets and liabilities. The board should examine any bequest made to the beneficiaries by the deceased, the standard of living and life insurance proceeds paid to any beneficiary;
- future earning capacity – the board must look at the beneficiaries' employment prospects and consider if they are in financial difficulties and whether the financial hardship is of a temporary nature and the prospects of securing gainful employment;
- amount available for distribution – benefits available for distributions may not be enough to cover the maintenance needs of all beneficiaries forcing the board to consider other factors when determining an equitable distribution. This may lead to awarding a benefit which is less than maintenance needed of a dependant or a nil benefit in certain circumstances.

5.8 Section 1 of the Act defines a dependant as follows:

“Dependant, in relation to a member, means –

- (a) a person in respect of whom the member is legally liable for maintenance;
- (b) a person in respect of whom the member is not legally liable for maintenance, if such person –
 - (i) was in the opinion of the board, upon the death of the member, in fact dependent on the member for maintenance;
 - (ii) is the spouse of the member,
 - (iii) is a child of the member, including a posthumous child, an adopted child, and a child born out of wedlock.
- (c) a person in respect of whom the member would have become legally liable for maintenance had the member not died.”

5.9 The law recognises three categories of dependants based on the deceased member’s liability to maintain such a person, namely, legal dependants, non-legal (“factual”) dependants and future dependants. In principle, a member is legally liable for the maintenance of a spouse and children as they rely on the member for the necessities of life. In the case of non-legal dependants, where there is no duty of support, a person might still be a dependant if the deceased in some way contributed to the maintenance of that person.

5.10 The fact that a person qualifies as a legal or factual dependant does not automatically give them the right to receive a portion of a death benefit (see *Varachia v SA Breweries Staff Provident Fund and Another* [2015] 2 BPLR 314H-I (PFA)). The deciding factor is financial dependency (see *Morgan v SA Druggists Provident Fund and Another* (1) [2001] 4 BPLR at 1890G-H (PFA)). The object of Section 37C of the Act is to ensure that those persons who were dependent on the deceased are not left destitute by the death of the deceased.

5.11 The complainant is aggrieved with the board's decision to exclude him from the allocation of the death benefit. The complainant averred that he is the deceased’s son and a dependant of the deceased.

5.12 The fund submitted that the death claim investigation did not identify the complainant as a potential beneficiary. Nomalinde and Phumla confirmed the complainant as the deceased’s son. The submissions before the Adjudicator

indicate that there is no dispute about the complainant's paternity. He is the deceased's son.

5.13 The issue that remains to be determined is whether the fund conducted a proper investigation before deciding on an equitable distribution. Section 37C of the Act requires the board to proactively search for the existence of potential dependants or beneficiaries.

5.14 The fund must conduct an independent and thorough investigation to determine the existence of potential dependants or beneficiaries and the extent of dependency of the identified beneficiaries (see *CALA Dairies CC v Orion Money Purchase Provident Fund* [2001] 11 BPLR 2676 (PFA)). In this instance, the fund does not make any submissions about the investigation it undertook to establish who the deceased's dependants are.

5.15 The fund did not conduct any interviews with the family members of the deceased to ascertain whether there were any other dependants not identified. Normally, a fund asks the family members to complete certain forms indicating who the children of the deceased are and whether there were any other persons financially dependent on the deceased. This does not appear to have happened in this investigation.

5.16 The complainant submitted that Nomalinde and Phumla did not mention him as the son of the deceased with the hope of gaining a larger portion. It does not appear that the other beneficiaries were trying to hide anything. The fund just failed to conduct proper investigations into the existence of other beneficiaries who were not mentioned in the nomination form.

5.17 In this instance, had the fund taken reasonable steps in its investigation, it would have known of the existence of the complainant. It should be noted that payment of a benefit does not alter the position (see *FundsAtwork Umbrella Pension Fund v Guarnieri and Others* [2019] JOL 42094 (SCA) at paragraph 30).

Conclusion

5.18 The board is vested with discretionary powers to decide on an equitable distribution of the death benefit. It is only in cases where it has exercised its

powers unreasonably and improperly or unduly fettered the exercise thereof that its decision can be reviewed (see *Mongale v Metropolitan Retirement Annuity Fund* [2010] 2 BPLR 192 at 195F (PFA)). As with the exercise of any discretionary power, in effecting an equitable distribution, the board is required to give proper consideration to relevant factors and exclude irrelevant ones from consideration. It is only in cases where it has exercised its powers unreasonably and improperly or unduly fettered the exercise thereof that its decision can be reviewed (see *Mongale v Metropolitan Retirement Annuity Fund* [2010] 2 BPLR 192 (PFA)).

Conclusion

5.19 In light of the above, the board's decision must be set aside. The fund should be allowed to reinvestigate the matter and re-exercise its discretion by reinvestigating the potential beneficiaries considering the new evidence placed before it and any other relevant information in order to decide on an equitable allocation of the death benefit in terms of section 37C of the Act.

[6]ORDER

6.1 In the result, the order by the Adjudicator is as follows:

6.1.1 The fund's decision is hereby set aside;

6.1.2 The fund is ordered to re-investigate the deceased's death benefit and decide on an allocation in terms of section 37C of the Act, within twelve weeks of this determination; and

6.1.3 The fund is ordered to proceed with the distribution of the death benefit within two weeks from the re-exercise of its discretion in terms of paragraph 6.1.2 above.

DATED IN PRETORIA ON THIS 23RD DAY OF OCTOBER 2024

NAHEEM ESSOP
DEPUTY PENSION FUNDS ADJUDICATOR

Section 30M filing: High Court
Parties unrepresented