



THE FINANCIAL SERVICES TRIBUNAL

Case No. PFA42/2025

In the matter between:

HAMBULANI MILLICENT MAHUWA

Applicant

and

SACCAWU PROVIDENT FUND

First Respondent

**MA LUKHAIMANE
PENSION FUND ADJUDICATOR**

Second Respondent

AGRINET (PTY) LTD

Third Respondent

**OLD MUTUAL LIFE ASSURANCE
COMPANY (SA) LIMITED**

Fourth Respondent

TRIBUNAL PANEL: PJ Veldhuizen and LTC Harms

Appearance for Applicant: n/a

Appearance for Respondent: n/a

Date of hearing: n/a

Date of Decision: 19 August 2025

Summary: Reconsideration of a decision of the Pension Funds Adjudicator (30M) in terms of Section 230 of the Financial Sector Regulation Act 9 of 2017. Vexatious Proceedings and Summary Dismissal.

DECISION

A: INTRODUCTION

1. The Applicant is Hambulani Millicent Mahuwa ("the Applicant").
2. The First Respondent is the SACCAWU Provident Fund ("the Fund").
3. The Second Respondent is the Pension Funds Adjudicator ("the Adjudicator").
4. The Third Respondent is Agrinet (Pty) Ltd. The record reflects the Third Respondent's true description as Hinterland (Pty) Ltd t/a Agrinet. ("the Employer").
5. The Fourth Respondent is Old Mutual Life Assurance Company (SA) Limited ("the Administrator").
6. This is an Application in terms of Section 230 of the Financial Sector Regulation Act 9 of 2017 against the decision taken by the Adjudicator, pursuant to a complaint laid in terms of Section 30M of the Pensions Fund Act 24 of 1956 ("the PFA").
7. Section 230 of the Financial Sector Regulation Act 9 of 2017 ("the FSR Act") provides the basis for the Applicant to lodge this Application for reconsideration and seek appropriate relief.

B: THE FACTS AND THE COMPLAINT

8. The Applicant was employed by the Third Respondent, and by virtue of her employment, she was a member of the Fund. The Applicant commenced her employment with the Employer on 26 March 2013 and remained so employed until July 2022. She became a member of the Fund on 1 November 2013
9. On termination of her employment, the Applicant was paid a withdrawal benefit from the Fund, in the amount of R47,974.93.
10. The Applicant was dissatisfied with her withdrawal benefit and estimated that she should have received approximately R400,000.00, made up of R250,000.00 in estimated contributions and R150,000.00 in accrued interest.
11. The Adjudicator invited a response from the Fund. The Fund provided a response indicating that:
 - 11.1 The Applicant was registered as a member of the Fund when she should have been.
 - 11.2 She was paid a withdrawal benefit in accordance with Rule 10 of the Fund. The Fund set out the elements of how the withdrawal benefit was calculated (i.e. 6.5% of pensionable salary contributions by both the employee and the Employer, plus any monthly declared bonus returns and less any administration fees and premiums paid in respect of insurance premiums).

11.3 The benefit was paid to the Applicant as set out below:

Breakdown of Benefit	
Benefit Amount	R51,662.85
Less: Tax	R3,744.13
Plus: Additional interest accrued after the date of the tax application.	R56.21
Total Benefit Paid	R47,974.93

12. The Adjudicator handed down a Determination on 23 May 2025, the essence of which was that:

12.1 The Applicant was timeously registered with the Fund.

12.2 She accepted the evidence of the Fund that all contributions that should have been made were made and that the correct withdrawal benefit was paid to the Applicant.

13. Accordingly, the complaint was dismissed.

14. On 23 May 2025, the Applicant applied for a reconsideration of the Adjudicator's Determination.

15. The Applicant has sought, in this application, to persist with her argument

that she has been shortchanged.

16. The Applicant introduced no new evidence in this Application for Reconsideration, which the Adjudicator did not consider.
17. The Administrator, who was not initially cited, submitted that it should have been cited in its correct capacity (and not collectively with the Fund), namely as the Administrator of the Fund. The Administrator usefully filed submissions which set out the facts and circumstances related to the calculation of the withdrawal benefit and the deductions made.

C: THE LEGISLATION

18. Section 234 (4) of the FSR Act reads:

(4) The Tribunal may, by order, summarily dismiss an application for reconsideration of a decision if the application is frivolous, vexatious or trivial.

E: DISCUSSION

19. On a review of the record, it is readily apparent that the Applicant is simply dissatisfied with the amount of the withdrawal benefit she has received. She provides no evidence to suggest that she has been ill-treated by the Fund or anyone else. In fact, she puts up no discernible case as to why the Adjudicator's determination should be set aside, in part or at all. The submissions by the Applicant, in relation to what she suggests she should have received as a withdrawal benefit, are at best vague.
20. The Applicant has adduced no new facts in this application, and this application for reconsideration fits clearly into the category of matters considered in section 234(4) of the FSR Act, in that it is frivolous and falls to be summarily dismissed.

F: CONCLUSION

21. In the circumstances, the Application for a reconsideration of the Adjudicator's decision should be summarily dismissed.

ORDER

- (a) The Application for Reconsideration is dismissed in terms of Section 234(4) of the FSR Act.

Signed on behalf of the Tribunal on 19 August 2025.

___*Sgd PJ Veldhuizen*_____

PJ VELDHUIZEN & LTC HARMS