

THE FINANCIAL SERVICES TRIBUNAL

CASE NO.: PFA3/2021

SATL FREIGHT (PTY) LTD

APPLICANT

and

MR D MZOZA

1ST RESPONDENT

SALT EMPLOYEE BENEFITS

2ND RESPONDENT

THE PENSION FUNDS ADJUDICATOR

3RD RESPONDENT

Application for reconsideration of a PFA determination – audi rule - improper notification of complaint to respondent – determination set aside.

DECISION

The applicant applies for the reconsideration of a decision by the PFA under sec 30M of the Pension Funds Act 1956.

This application is in terms of sec 230 of the Financial Sector Regulation Act and the parties have waived their rights to a formal hearing.

It is unnecessary to enter the merits of the matter. The applicant's case is that it did not receive notice of the complaint.

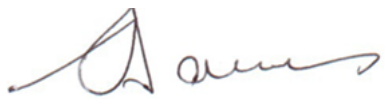
The PFA alleges that registered letters were sent to the applicant dated 1 April and 21 May 2020. There is no proof on file that the letters were indeed sent. Registered letters have a tracking number and there is no indication that the letters were delivered.

It is unrealistic to send a letter during the height of the pandemic and expect a response within two weeks.

The PFA had the email address and telephone number of the applicant and did not use them although they are the standard form of modern communication.

The determination is set aside, and the matter is referred back to the PFA for reconsideration.

Signed on behalf of the Tribunal on 26 May 2021.

A handwritten signature in black ink, appearing to read 'LTC Harms', enclosed in a thin black rectangular border.

LTC Harms (deputy chair)