



**Financial Services  
Tribunal**

**THE FINANCIAL SERVICES TRIBUNAL**

Case No. PFA85/2025

In the matter between:

**PROF IGOR ALEXANDROWICH GORLACH**

Applicant

and

**NATIONAL TERTIARY RETIREMENT FUND**

First Respondent

**NELSON MANDELA UNIVERSITY**

Second Respondent

**THE PENSION FUND ADJUDICATOR**

Third 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: 17 February 2026

*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.*

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**DECISION**

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**A: INTRODUCTION**

1. The Applicant is Professor Igor Alexandrowich Gorlach ("the Applicant").
2. The First Respondent is the National Tertiary Retirement Fund ("the Fund")
3. The Second Respondent is Nelson Mandela University ("the Employer")
4. The Third Respondent is the Pension Funds Adjudicator ("the Adjudicator").
5. 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").
6. 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**

7. The Applicant was employed by the Employer from 1 April 2004 until his retirement on 31 December 2023.
8. By virtue of his employment, the Applicant was a member of the Fund.
9. The Applicant was only paid his first monthly pension in February 2024, and the Fund's failure to make that first payment in January 2024 was,

*inter alia*, the subject of his complaint to the Adjudicator.

10. It is common cause that the Employer submitted his retirement claim form to the Fund a month later than it should have, which caused the delay in payment to the Applicant. The Applicant sought to hold his erstwhile Employer liable for this financial loss.
11. The Fund, in its response to the Adjudicator, submitted that its rules provide for when and how a first payment would be made and that, in applying these rules, payment was made correctly and no fault lay with the Fund's handling of the process. In fact, the Fund considered it inappropriate to have been joined to the complaint and this application.
12. The Adjudicator determined that, notwithstanding the Employer's failure to submit the Applicant's paperwork timeously, the Applicant had, *inter alia*, suffered no financial prejudice.
13. In the circumstances, the Adjudicator dismissed the complaint.
14. The Applicant applies for a reconsideration of the Adjudicator's decision.

**D: DISCUSSION**

15. It is clear that the basis of the Applicant's complaint to the Adjudicator and this application is that his dissatisfaction lies not against the Fund but rather against his erstwhile Employer.
16. This Tribunal conducts a complete rehearing and may have reference to information or evidence that the Adjudicator did not consider.

17. It is readily apparent that no relief is sought or could be sought against the Fund, which simply applied its rules, as it was required to do.
18. In the circumstances, the Applicant essentially seeks compensation from his erstwhile Employer for damages suffered as a result of its negligent conduct, in failing to file the necessary paperwork with the Fund timeously. A claim for delictual damages against the Employer is not contemplated in Section 30A of the PFA or Section 230 of the FSR Act.
19. As both the Adjudicator and this Tribunal are creatures of statute, no jurisdictional competence exists for this Tribunal to grant the Applicant the relief he seeks.
20. In any event, the nature of the Applicant's grievance may well be considered a labour dispute, which is also not a dispute to be ventilated before the Tribunal or the Adjudicator.

**E: CONCLUSION**

21. In the premises, the reconsideration application must fail.

**ORDER**

- (a) The Application for Reconsideration is dismissed.

Signed on behalf of the Tribunal on 17 February 2026.

\_\_Sgd PJ Veldhuizen\_\_\_\_

**PJ VELDHUIZEN & LTC HARMS**