

THE FINANCIAL SERVICES TRIBUNAL

CASE NO.: PFA18/2021

In the matter between:

RINA BELINDA JACKS

Applicant

and

SANLAM FUTURA UMBRELLA RETIREMENT FUND

1st Respondent

SANLAM EMPLOYEE BENEFITS

2nd Respondent

THE PENSION FUNDS ADJUDICATOR

3rd Respondent

Decision

The applicant applies for the reconsideration of a determination by the PFA. The application is summarily dismissed in terms of sec 234(4) of the Financial Sector Regulation Act 9 of 2017.

It should be noted that the applicant is represented by attorneys and any lapsed cannot be ascribed to her as a lay person.

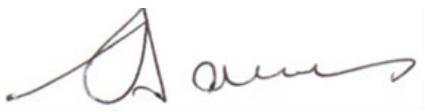
First, the application is out of time. Although the applicant asks for condonation, she does not state why she is entitled to condonation.

Second, the interested beneficiaries were not cited.

Third, the Tribunal does not have jurisdiction to hear the matter. The applicant misstates her complaint and the relief sought as originally filed. The same applies to the heads of argument that were, presumably, prepared by her attorneys. The Tribunal agrees with the PFA and accepts the submissions by the Fund in this regard which are the following:

- The Applicant's complaint to the PFA was the delay in finalising the death claim of the deceased member of the Fund and not whether the decision by the trustees of the Fund to exclude the Applicant was fair and just.
- The Applicant did not lodge a complaint with the board of the Fund in respect of its decision to exclude her in respect of the distribution of the deceased's death benefits in terms of section 37C of the Pension Funds Act.
- The provisions of section 30A require that a formal complaint must be lodged with a fund for consideration by the board of the Fund and if the complainant is dissatisfied with the Fund's decision, the complainant may then formally lodge a complaint with the PFA.
- Since the Applicant did not lodge a complaint with the board of the Fund, the PFA could not adjudicate the exclusion of the applicant.
- Consequently, this Tribunal does not have the necessary jurisdiction to adjudicate on this matter given that the Applicant did not formally lay a complaint with the board of the Fund as required by section 30A and the PFA was not required to adjudicate the Applicant's complaint that the decision by the trustees of the Fund to exclude the Applicant was unfair and unjust.

Signed on behalf of the Tribunal on 2 September 2021.

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

LTC Harms (deputy chair)