



Arbitration Award

Case Number: **FSBF2942-25**
Commissioner: **Leslie Mokoena**
Date of Award: **10 October 2025**

In the **ARBITRATION** between

PSA obo Mamotsamai Julia Mokoanyane

(Applicant)

And

SASSA

(Respondent)

APPROVED
DETAILS OF HEARING AND REPRESENTATION

- [1] This is the arbitration award in the dispute between **Mamotsamai Julia Mokoanyane**, the Applicant and **South African Social Security Agency (SASSA)**, the Respondent. The arbitration proceedings were partly heard from 29 September 2025 and concluded on 30 September 2025. The proceedings were heard at the CCMA venue in Bethlehem.
- [2] The matter was heard under the auspices of CCMA in terms of Section 191(5) (a) of the LRA – primary dispute, Dismissal related to Misconduct.

- [3] The Applicant was in attendance and represented by Michiel Odendaal, while the Respondent was represented by Thapelo Liphoko, its Labour Relations Officer.
- [4] The proceedings were conducted in English, interpreted to Sesotho and were digitally recorded.

ISSUE TO BE DECIDED

- [5] I am tasked to determine whether the Applicant's dismissal was substantively fair. If not, afford an appropriate relief.

BACKGROUND TO THE ISSUE

- [6] The Respondent is Social Services Agency. The Applicant was employed on 24 November 2004, she was employed as Supervisor (Grant Administration). At the time of the dismissal she earned R31 913-25 per month. It is common cause that she was dismissed on 20 May 2025.
- [7] It is common cause that the Applicant was called to a hearing, charged and dismissed for the following charges:

Charge 1: FRAUD

It is alleged that on 18 March 2021 you intentionally engaged yourself in fraudulent activities when you colluded with SAPO official and went to Clocolan and made a new SASSA recipient card for a client/recipient without permission or authority and that resulted to her not receiving her SASSA grant from the card that was initially issued to her, whilst money from the new card kept being withdrawn from various places while she was not receiving any social grant.

Charge 2: Misuse or abuse of position/power

It is alleged that between 16 March 2021 and 18 March 2021 you misused your position when you went to Clocolan and requested an outcome letter from a grant's recipient client under the pretence that you were sent by your team leader, knowing very well you were never instructed as such.

Charge 3 unauthorized passenger

It is alleged that between 16 March 2021 and 18 March 2021 you went to Clocolan driving a state vehicle GVB420FS and had an unauthorized passenger with you in the said State vehicle, an act you ought to have that is not permitted to have such a passenger without being authorized or permitted by your supervisor /manager/ team leader.

- [8] It is further common cause that the incident occurred in March 2021, however she was dismissed in May 2025. It was alleged that she did not have authorization to visit the claimant (Mantwa) and subsequently conducted herself in a fraudulent manner. As a result of the Applicant's conduct, the claimant did not get her money for grant from April 2021 until September 2021. It is common cause that the Applicant was not found guilty of charge three. But the Respondent still believes that the finding of the chairperson was not correct.
- [9] In the contrary the Applicant argued that she had reason to visit the Applicant, she came to the service point to in March 2021 because she had an issue with her grant money in March 2021. She also had to attend a query at an old age home in Clocolan. She stated that her trip was also authorized by her team leader. The claimant was properly assisted therefore, she would not account for that unpaid grant money for the said months.
- [10] In proving its case, the Respondent called two witnesses and they submitted bundle R1 and R2 while the Applicant testified and called one witness and submitted "bundle A1 and A2.
- [11] The Applicant seeks reinstatement as a relief.

SURVEY OF EVIDENCE AND ARGUMENT

RESPONDENT'S CASE

- [12] Mantwa Maria Tabi testified that she gave a signed statement on page 3 of bundle R1. She stated that on 16 March 2021 the Applicant visited her home and demanded an outcome letter. The Applicant did not give reasons why she needed the document. She traveled alone to her home. She returned on 18 March 2021. She was with Thabang (post office official) and they took her finger prints. She stated that she did not visit SASSA offices to be assisted. The only time she went was in her initial application of the grants in July 2020. She was assisted by her local Councilor.
- [13] After the Applicant's visit her grant money was not paid out from April 2021 until September 2021. In May, seeing that she was not receiving the money she decided to find casual work. In September 2021, Tlali (Applicant's Team Leader) visited her to assist with application for R350-00 grant. He asked her to give her a phone so that he files the application on her phone. She advised him that she did not have one because she was not getting any money of grant. He then took her to the post office to make enquiries. They discovered at the post office that there was another card which was withdrawing her

money. She did not give anybody her card neither lost a card. They later went to Ficksburg and she signed and received a new card.

- [14] She stated that when the Applicant processed her card, she did not sign nor receive it. The money was withdrawn in towns she does not go to as she buys only in Clocolan. In conclusion, she confirmed that there was no reason she had to go to SASSA prior the Applicant's visit. As such, since she has been assisted by Tlali she has not had any issues with her card.
- [15] Under cross examination, she confirmed that on 18 March 2021, the Applicant was one who took her finger prints. At first, she stated that in March 2021 she received her grant money. Later, she and apologized and confirmed that she did not therefore, she had an issue with the card in March 2021. But disputed that she went to SASSA in March to report the issue nor tell the Applicant she had an issue. She stated that the Applicant came to her house on 16 March 2021. She confirmed she did not know that outcome letter was easily accessible to the Applicant at the office.

Respondent's Second witness

- [16] Sam Tlali, Team Leader, testified that in Clocolan no one is issued a card therefore, the team servicing on the day had to come with someone from post office in Senekal to assist. Alternatively, the team will take those in need of the cards to Ficksburg or Ladybrand to the post office for them to get the card. The claimant was issued the card.
- [17] R1 page 18 is a SAPO (South African Post Office) – SASSA register. Therefore, a person assisting a grant recipient must write names and identity and write the card number. But on this document a date is written rather than the card number. Cards are issued by SAPO officials. The signature at column seven is Tabi and last column is her signature.
- [18] On 16 March 2021 he was with in Clocolan with the Applicant and her team, Tsenile and Molefi. His reason he went with them was to check how things went that side. On the day the Applicant had to verify the captured application. There was no house visit because in that period home visit were not allowed because of alert level 4 covid-19, wherein it they were allowed to go only to service points.
- [19] Page 13 -R1, trip authorizing form, issued to the Applicant on 18 March 2021. She did not finish work on 16 March 2021 therefore, she was authorized to go to Clocolan service point. As per policy (page 36-R2), the passenger details must be completed on the document. On 22 September 2021, he went to Clocolan to the claimant and introduced himself and his purpose. The Claimant informed him that it will be difficult for her to apply. He asked her why she did not buy a phone since she was earning a grant. She told him that she no longer receives the grant money. He did not understand because before

visiting her she checked and found that the grant was active. She then told her that on the 16 March 2021 the Applicant visited her to get an outcome letter as per his (Tladi) instruction. He refuted this claim because he had no reason to ask for such a document. She also told him that the Applicant and Thabang came to her home on Thursday (18 March 2021). They came and took prints without explain anything. They did not give her any document to sign. He confirmed that he did not know that Thabang was in the vehicle with the Applicant.

- [20] As substation to his case, he read: Page 32 – *Guidelines for SASSA at alert level 4: para 6: Home visit are not permitted, as the environment into which staff are sent cannot be controlled. Should there be requests for assistance in extreme cases, regions are to assess their ability to provide services on an individual basis. Staff protection and safety to be taken into account at all times.*
- [21] In replacing a card, given that Clocolan does not replace cards, the official will bring along a person from SAPO but the official had to inform him. In replacing a card, a claimant must come to the office to complain to get a new card. He asked Clocolan personnel to check what was happening but were eventually assisted at Ficksburg office by Tebello Lebeko. She informed him that the Claimant's card was replaced by Thabang Mokoena on 18 March 2021. She also told him that the card was used on at Albert street at 20/04/2021, first withdrawal of the card R2000-00 and R1600-00. On 25 May second transaction R1 850-00, on 17 June 2021 R1850-00, there was also a transaction on 13 July 2021 R1850 Clocolan, on 6 August 2021 R1850 at Absa Senekal and last 09/09/21 R1850 Senekal.
- [22] He sent Teboho Lebeko (SASSA Official) and Dineo Lekaota (SAPO Officials) to the claimant to assist with the card. Her card did not have funds therefore, they had to wait for next month. On their back to the office, (he was told) the Applicant phoned them and instructed them to go to Marquart Dieketseng Mafusi Selefu to make their her a card. Dieketseng Morabane (quad seven client) phoned him that the SASSA officials came to help her with the card. She was surprised because she did not have any problem with her card nor lodge complain at the office. He then instructed them to return.
- [23] Page 16 R1 – Post Office card register, it is used when cards are issued. Tabi's number appears on the document but the signature is not same as she signed on other documents. Page 14, the inspection report form. This was to a vehicle allocated to the Applicant. This was not completed fully and correctly.
- [24] Under cross examination, he confirmed that his trip authority for 16 March 2021 was not included. This was would have been proof that the Applicant was with him. He maintained that the Applicant was with him on 16 March 2021. He also remarked that when he works with the Applicant she normally disappears but he would not ask. However, he cannot confirm if the Applicant went to Tabi's home. He

was told by Tabi that she came to her house. On the 18 March 2021, she was in Clocolan to finish off the work which was not completed on 16 March 2021. Therefore, she had an authority which he signed.

[25] He was not in Clocolan on 18 March 2021. Since he was not there, he cannot confirm the events at Tabi's house. But considering the different signatures, and that from April until September 2021, she did not get the grant money and she did not get the card. Made him believe that the Applicant defrauded her. He also considered Tabi's statement, that the times and places where the money was withdrawn, does not match the trend that she would ordinary withdraw her money. The signature also is not her, it is possible that the person who signed on her behalf could be one who was using the money. Some withdrawals were made in Senekal in the morning. Her social background would not allow her. However, it was possible that she could have given the card to someone to withdraw for her. He agreed that if an official makes an individual to sign would not know how they sign. He finds the signature writing her name and surname would be a correct signature. On face value, she is an illiterate person. After the card issue was corrected in September, she did not have other problems.

[26] The claimant testified that she did not pursue the issue in May 2021 because she decided to get casual work. Had she been literate she would have gone to SASSA. He does not have anything against the Applicant. he confirmed that since he worked with the Applicant, she does not have any other progressive disciplinary record.

[27] Page 3, Memo was a reminder was applicable at the time of the incident. The applicable Memo was not part of the evidence. He also confirmed that he would not know why would the Applicant want a document from the claimant which she can easily access at the office (the outcome document). During covid-19 no home visits were allowed. They only stated conducting home visit as of 13 August 2021 for the fragile clients. He did his visit in September 2021 after the upliftment restrictions. He confirmed that he knew the Claimant-Tabi, before the incident in 2021.

[28] He accepted the Claimant's version against the Applicant because before she getting money she looked well with her kids. He stated maybe it was a mistake to just believe the Claimant given her social situation. But accepted her version because she seemed surprised when they told her card was used. The employee's wrong doing was not following due process. He could not give precise justification that the Applicant acted fraudulently. But he believed that she might be responsible for the disappearance of the claimant's months.

APPLICANT'S CASE

- [29] She testified that she was a supervisor, her role was to conduct verification of grant applications. She only knew the claimant until the time she was sent to her by Tlali. She did not have a card then. She checked on the system and found that the grant was active. Therefore, on the day, there was no SAPO official therefore, she took her details to follow up later.
- [30] On 18 March 2021 she first went to old age home thereafter, she went to Tabi's home. On 16 March she was not in Clocolan. The only person who took the vehicle as reflected on (page1 of A1) proves that the person who had the vehicle was Tlali, the Team Leader to go to the service point. The letter claimant alleged that she came to collect was easily accessible and she would printed at the office.
- [31] On 18 March 2021, knowing she had a pending case which needed a SAPO official. She combined the old age case and the Tabi's cases. She went to the Tlali and explained these two cases and he authorized her trip. She asked for a teller from SAPO and was allocated Thabang Mokoena. As an official from SAPO he completed an indemnity form. There is an agreement between SASSA and SAPO that when traveling to clients they will transport SAPO officials. Tabi came to the service point on days they service that place, those days being Tuesdays and Thursdays but this was not on 16 March 2021.
- [32] When they were at Mantwa's home, she was issued a card. There is no document required for that process only the quad number to open her profile. She was given the card and she punched in her own secret pin. She did not see her signing because she was talking with Tabi's grandmother. It is also incorrect to say she did not say anything, because she also spoke to her about electricity which she helped them to log in a call.
- [33] Page 16, 17 and 18 (R1): page 16 is post office registers used to issue a card, page 17 is a spread sheet and page 18 is a document used by SAPO official when issuing a SASSA card. They do not issue cards. These are all cards used by SAPO officials and the person who has responsibility over those documents are SAPO officials. She did not process the claimant's finger prints as she does not know how to conduct such process. Thabang was one who issued the card.
- [34] The pin is known by the claimant unless if she shares the pin to draw money on her behalf. She is not guilty of charge one. As supervisor she has a discretion to go and assist clients. Mantwa is not truthful because she disputed that she had a problem with her card in March 2021. But in her evidence, she agreed. She will also not know that she had money which was carried over.
- [35] Charge two she did not abuse any power because she did not go to Clocolan on 16 March 2021. But went on 18 March 2021 to assist the client who was in need. As per charge 3, there was a standing agreement between SAPO and SASSA for the SAPO official to be transported in the SASSA vehicle. She also had a trip authority. She did not sign the document because it was not fully completed by the

transport officer. Page 8 R2- shows that there were monies from Tabi's grant carried over from March 2021. The money was withdrawn since April 2021. She also stated that it was possible for someone to withdraw money on behalf of the claimant outside Clocolan. Page 4 of R2 shows transaction from Tabi's card made on 7 October 2020 made outside Clocolan. The memo was applicable since 29 June 2021, it was norm to conduct home visits. It was SASSA function to conduct home visit if there was a need. The page they submitted A1 shows that they were cars going out to towns.

- [36] Attending to policy position regarding passengers, she agreed that their office was not compliant with the provision of the policy until when they were introduced to SASSA Fridays, last year when they were educated to comply with policy.
- [37] Under cross examination she confirmed that she was not with Tladi in Clocolan on 16 March 2021. She did not have a car because it was allocated to Tlali. She refuted claim that she returned on 18 March 2021 to conclude the work which was left on 16 March 2021. She was not there and would not know what work which was left at the service point. She went to Tabi because she previously visited the service point because she had an issue with her March 2021 grant.
- [38] She did not have proof that Tabi came to service point because they general do not have a register for walk-in clients. They went to Tabi's home because she needed assistance to obtain a card. Given that Tlali was one at the service point on the 16 March 2021, he could have instructed her on the outstanding work. He did not because he knew that on the 18 March 2021 she was going to do home visits. They also never have a team leader and supervisor at one service point.
- [39] She did not complete the authority document because Thabang had completed an indemnity form. She did not present it as evidence because she was not found guilty of it in the hearing. She did not comply with the policy because there was a culture of just completing an indemnity form. She confirmed that she was allowed to go with SAPO official to the client's house. She confirmed that the register is responsibility of SAPO officials. Yes, she did not see the signing of the documents. She did not collude with Thabang nor commit any fraud. She even asked that they get pictures at ATM's when money was withdrawn. She also did not know Tabi's secret pin to the card.

Applicant's witness

- [40] Makane Relebogile Moyana she is responsible for transport management in Senekal. Page 13, R1 is a trip authorizing document. She confirmed that everything was completed except that the SAPO member's details were not included on the form. They had a practice wherein they would not include the other person but have them only complete an indemnity form. This was in place since CPS, All Pay and

now SAPO service providers worked with them. There was an agreement between SAPO and SASSA that SASSA transport SAPO officials in the event they were going to provide a service. Later in 2024 and 2025 they had online meetings to educate them about policies. Therefore, they started following the transport policy correctly.

- [41] Under cross examination she confirmed page 13, R1 reason for the trip was not written but she authorized because the Applicant's team leader, Tladi had already signed to authorized, so to her it came as an instruction. She confirmed that documents were incorrectly completed but now they are trained and are applying it correctly. She confirmed that she did inspect the vehicle. She confirmed that everyone in the office followed same practice.

ANALYSIS OF EVIDENCE AND ARGUMENT

- [42] Section 138(6) of the LRA states that a Commissioner must take into account any Code of Good Practice that has been issued by NEDLAC or guidelines published by the Commission in accordance with the provisions of this Act that are relevant to a matter being considered in the arbitration proceedings.

- [43] Item 7 Fair reason for misconduct dismissal

- (1) An employee may be dismissed for serious misconduct if the misconduct renders the continuation of the employment relationship intolerable.
- (2) Subject to the rule that each case should be judged on its merits, serious misconduct may be a single instance of misconduct or repeated misconduct where graduated disciplinary measures have been implemented.

- Item 8 Guidelines for deciding a fair sanction

Any person who is decided whether a sanction for misconduct is fair should consider-

- (1) Whether the employee contravened a rule or standard regulating conduct in or of relevance to the workplace;
- (2) If a rule or standard was contravened –
 - (1) Whether the rule was valid and reasonable rule or standard
 - (2) Whether the employee was aware or could have reasonably be to have been aware, of the rule or standard
- (3) The importance of the rule or standard in the workplace

- (4) *The actual or potential harm or damage caused by the employee is contravention of the rule or standard*
- (5) *Whether the rule or standard has been consistently applied by the employer and*
- (6) *Whether the rule is an appropriate sanction for the contravention of the rule or standard*

[44] In ***Dikobe Motlotleng Gerald v CCMA and others (JA 45/2015) [2016] ZALCJHB (handed down on 15 June 2016)*** the Court held, that where there is an alleged breach of rule, the burden is on the Employer to lead evidence on the existence, the specific content, the dissemination, as well as knowledge of the rule on part of the Employee. The burden is even more substantial where the rule is of an oral nature.

[45] The Respondent has the onus to prove the fairness of the dismissal. In that they had to show proof that the Applicant committed an act of fraud and other respective charges. The Respondent called a claimant and the Applicant's team leader and brought documents to prove its narrative. The first point which they found to be at fault was that the Applicant took it upon herself to do a house visit in a period which the country was under alert service 4 (March 2021). Meaning home visits were prohibited then not that home visits are entirely prohibited. In examining this evidence, I established that in that period the country was actually under alert level 1, the government gazette was signed by Minister Nkosazana Dlamini-Zuma on 28 February 2021. As such, meaning the alert levels were relaxed and companies had to implement regulations compliant to health and safety regulations. As such, provided proof is not accurate and proper regulations were not presented to prove for the Respondent's narrative. The Applicant presented page 1 A1, showing vehicle authorization for the vehicle to move around.

[46] Further, the Claimant contradicted herself that she did not have issue with her card in March hence she did not go to SASSA offices in March. Later it was shown that she did have an issue. As largely stipulated by parties, on face value she looked as a person dependent on the money. The question then becomes, if one is to take into account her version, why did she give the outcome letter and also comply with a suspicious process even on the second day 18 March 2021. If she did not go to the service pointy to complain. Therefore, I find her the Applicant's version more probable.

[47] The Respondent indicated that there were discrepancies on signature by the Claimant. I observed the signatures and accept that they are indeed not the same. However, it is common cause that registers for obtaining cards are SAPO official's responsibility. As such, there was no proof showing the Applicant's undue conduct in this regard. Or a probable version linking her to falsified the signature.

- [48] The facts are that money was withdrawn at places that the Applicant possibly could not reach but there is no evidence that she did receive the money. There is also no proof to rebut that she did not get the money. However, there is no tangible proof to show that the Applicant defrauded the process. In fact, while Tladi was testifying he stated that the Applicant's incorrect conduct was not to ensure that the entire process is done properly. In ***Senqu v SALGBC and others (P621/210) (2015) ZALCPE 24 (handed down on 24 March 2015)*** it was held *where the Commissioner ignores relevant and material evidence, misconstrue relevant and material evidence, and takes account of speculative consideration in respect of which there is no evidence, the cumulative effect renders that conclusion reached in the award so unreasonable that no reasonable Commissioner could have ever reached the same conclusion.* Taking into consideration the evidence before me, I find that the Respondent failed to discharge its onus and prove that the Applicant acted fraudulently.
- [49] The issue of abuse of authority was hinged with whether there was proof to show that the Applicant traveled to Clocolan. The Applicant said she was not there but the claimant and Tladi said she visited Tabi. Tladi said he was with the Applicant in Clocolan. However, proof submitted by the Applicant shows that the person who took authority of the vehicle was Tladi. During cross examination, he did not justify why he did not bring documents which could prove that the Applicant was there. In the absence of tangible proof, I do not accept the Respondent's version in this regard.
- [50] Charge three, it is common cause that the Applicant was not found guilty. The Applicant's witness testified that there was a culture of not following the policy. It is my view that in keeping with travels done as per page 1 A1 which was not placed in dispute, the respondent could have brought same documents which were complete correctly to show that the applicant deliberately flouted the policy. As such, I accept that indeed they have followed the same practice and not competed the page 14 (R1).
- [51] As such, I find that the Respondent failed to show that the Applicant breached a rule. As a result I find that the dismissal was substantively unfair.
- [52] *Attending to relief, considered that the dismissal was substantively unfair. The Applicant unjustly lost her livelihood. She wished to be reinstated back to her position. There is no evidence showing break down of relationship.* As such, the Respondent is ordered to reinstate the Applicant back to her position on terms which previously governed her employment relationship. As a result of the retrospective effect of the reinstatement, the Respondent is ordered to pay five months of Applicant's salary calculated as follows: R 31 913-25 x 5 months = R159 566-25 (hundred and fifty-nine thousand five hundred and sixty-six rand twenty-five cents).

AWARD

- [53] **Mamotsamai Julia Mokoanyane**, the Applicant dismissal by **SASSA**, Respondent was substantively unfair.
- [54] The Respondent is ordered to reinstate the Applicant back to her position on same terms which governed her employment relationship on 27 October 2025.
- [55] As result of the retrospective effect of the reinstatement, the Respondent is ordered to pay the Applicant R159 566-25.
- [56] The Amount in paragraph [55] must be paid to the Applicant on 27 October 2025. The Applicant must report for duty on 03 November 2025.
- [57] Interest will accrue in terms of section 143 (2) of the Labour Relations Act should the Respondent fail to comply with the award by the 27 October 2025.

Signature: _____

Commissioner: **Leslie Mokoena**

Sector: **Services Sector**

APPROVED