



**IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG**

Not Reportable

Case no: JR 521/20

In the matter between:

**SARAH S MPHELA**

**Applicant**

and

**COMMISSION FOR CONCILIATION AND  
ARBITRATION**

**First Respondent**

**FOODLOVERS MARKET**

**Second Respondent**

**Heard: 18 August 2020**

**Delivered:** This judgment was handed down electronically by circulation to the parties' representatives by email. The date hand-down is deemed to be 01 September 2020.

**Summary: Review**

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**JUDGMENT**

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**COETZEE AJ**

[1] The applicant approaches this Court to review and set aside a ruling dismissing an application for commendation for the late referral of an alleged unfair dismissal dispute to the CCMA.

[2] The application is unopposed.

[3] The Commissioner made the following ruling:

- "1. The model 7.11 referral is 269 days late, which in my view is excessive.
2. The applicant failed to account for the delay in that the reasons proffered, in my view, or unreasonable.
3. Although the application has reasonable prospects of success, the delay and failure to account does not compensate granting of condonation.
4. Condonation application is refused. CCMA to close the file."

[4] The applicant furnished the following explanation for the delay:

"The applicant was not around Middleburg due to sickness since someone has to take care for her, she has to go home for someone to look after her, she was in MO STO RUG"

[5] The ruling of the Commissioner is one that a reasonable Commissioner could have made.

[6] The application stands to fail.

[7] I make the following order:

1. The application is dismissed with no order as to costs.



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—  
F. Coetzee

Acting Judge of the Labour Court of South Africa

LABOUR COURT