

CASE NO:.....

In the matter between

.....

**Applicant**

and

.....

**Respondent**

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESCISSION  
OF AWARD / RULING**

I, the undersigned,

.....  
(Name in full of person making the affidavit)

do hereby make oath and say:

**Parties**

1. I am the applicant in this matter/I am duly authorized to make this affidavit because

.....  
.....

(Explain your relationship to the case i.e. dismissed employee; trade union official; manager at the employer; human resources officer etc.)

2. I will accept service of any documents in relation to this matter at the following address or fax number ( delete which is not acceptable)

.....  
.....

3. The respondent is .....

(Explain who the other party is in relation to the case i.e. former employer (describe also type of employer i.e. company; close corporation; partnership or individual etc); former employee).

4. The respondent`s address is .....

**BACKGROUND AND FACTS ON WHICH THE APPLICANT RELIES**

5. (This section should state the material facts on which the application is based in chronological order; and in sufficient detail to enable the other party to reply to the affidavit.)

a) The ruling/ arbitration award came to my attention on .....  
I immediately did the following:

.....  
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b) I submit that I did not deliberately /intentionally fail to attend or be represented at the conciliation/arbitration because: .....

.....

(eg. I did not know of the date of hearing because I had not received the notice/my address has changed and I have advised the FBCWC of this/the fax number the notice was sent to was incorrect. Annex any relevant documents. State the legal issues that arise from the material facts in sufficient detail to enable the other party to reply to the affidavit).

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c) I believe that the Commissioner should rescind the ruling/award because I have a good prospect or succeeding in my claim against the respondent because (must set out in as much detail as possible why your case will succeed. It is not sufficient to

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d) As a result of the above I respectfully submit that the Commissioner issued the ruling/award erroneously in my absence, and I am therefore entitled to rescission of that ruling/award (see section 144 for other grounds for rescission, if necessary as I have shown good cause for this in this application.

e) General  
(The issues raised here are not meant to be exhaustive. Please add any information that you think the commissioner may wish to consider in granting the application)

.....  
.....

6. I am making this affidavit in support of my application for variation/rescission

**I HEREBY CERTIFY** that the deponent has acknowledge that he/she knows and understands the contents of the affidavit, which was signed and sworn to before me:

at: .....

on date: .....

the regulations contained in Government notices R1258 and R1658 having been complied with .

**DEPONENT**

**COMMISSIONER**