

**FORM 2****MILITARY OMBUD****APPLICATION FOR CONDONATION IN TERMS OF REGULATION 6(3)****NOTES ON COMPLETION OF THE SA MILITARY OMBUD CONDONATION FORM**

1. A complaint must be referred to the Military Ombud within the time period for lodging complaints as provided in Regulation 4. If Regulation 4 is not complied with, an application must be made to the Military Ombud to condone the delay for the late submission of the complaint.
2. This application for condonation must accompany the fully completed complaint form and must be done on the affidavit (under oath / affirmation) included in this Form.
3. The calculation of the required days is done by excluding the first day and including the last day unless the last day happens to fall on a Sunday or any public holiday, in which case the last day would be the normal working day preceding that Sunday or public holiday.
4. The Military Ombud considers the following when deciding whether or not to grant condonation.
 - The degree of lateness of the complaint;
 - The reasons for the lateness;
 - The prospects of success on the merits of the complaint;
 - The complainant's interest in the outcome of the complaint;
 - Any prejudice to the other party in the complaint; and
 - Any other relevant factors.
5. The above factors are not individually decisive but are interrelated and will be weighed one against the other. Thus a slight delay and a good explanation may help to compensate for prospects of success that may not be very strong.
6. It is therefore important that applicants for condonation provide a detailed explanation with sufficient support documentation to their averments.
7. The degree of lateness is the time period in relation to the date of the act or omission (or becoming aware thereof). It is thus important to indicate the date of the act or omission and or make it clear when the complainant became aware thereof.

8. The applicant for condonation must indicate why, on a balance of probability, he or she will be likely to succeed against the Department with the complaint.
9. The applicant for condonation must give a clear indication of the prejudice he or she will suffer if condonation is not granted and must also address the reasons he or she believes it will not be prejudicial to the Department if condonation is granted. Interest in the outcome of the complaint does not only relate to the personal importance of the complaint to the complainant, but should address the objective importance of the matter to the Department and other members and former members of the Department and/or the public. These may typically be complaints that have the potential to change policy, operating procedures, etcetera within the Department.

MILITARY OMBUD**APPLICATION FOR CONDONATION****Please Note:**

Kindly complete the form in a legible manner and complete all the pages that are relevant to you.
Please note that the fields marked with an asterix (*) are compulsory.

PARTICULARS OF COMPLAINT**Category of Complainant (*):**

Current SANDF Member Former Member of the SANDF Member of the Public
 Third Party (e.g. union rep, lawyer, etc.)

PERSONAL DETAILS (If you are the member , former member or member of the public lodging the complaint
please complete this section only where applicable)

Please indicate your Gender and Race (*): (This information is required for statistical purposes)

Male Female Race: _____

Surname (*): _____ Full Names(*): _____

Title (Mr/Mrs/Miss/Ms/Dr/Prof (*): _____ Rank: _____

ID/Passport Number (*): _____ Force Number: _____

Unit: _____ Service/Division: _____

Residential Address (*): _____

Postal Address _____

City: _____ Province: _____ Postal Code: _____

Telephone (*) Home: _____ Cell: _____ Work: _____

Email Address: _____ Fax: _____

AFFIDAVIT

I, the undersigned, (Full name of Applicant) _____

do hereby make oath and say:

1. BACKGROUND

1.1. The complaint arose on _____ after all attempts to negotiate or follow internal procedures at the respondent (the Department) failed.

1.2. I, the applicant, followed the following internal procedure: _____

2. THE DEGREE OF LATENESS

2.1. The referral is _____ days late. (excluding the 180 day and 90 day period, whichever is applicable, as provided in Military Ombud Complaints Regulations of 2015)

3. REASONS FOR THE LATE SUBMISSION

4. THE PROSPECTS OF SUCCESS BASED ON THE MERITS OF THE COMPLAINT LODGED

5. POSSIBLE PREJUDICE TO BE SUFFERED BY THE COMPLAINANT IF THE MATTER IS NOT INVESTIGATED

6. POSSIBLE PREJUDICE TO ANY PARTY HAVING A SUBSTANTIAL INTEREST IN THE OUTCOME OF THE COMPLAINT IF THE MATTER IS OR IS NOT INVESTIGATED

7. ANY OTHER RELEVANT FACTORS

SIGNATURE OF APPLICANT

Commissioner of Oaths:

Name: _____

Address: