

REPUBLIC OF NAMIBIA



LABOUR COURT OF NAMIBIA MAIN DIVISION, WINDHOEK

JUDGMENT

Case no: LCA 72/2013

In the matter between:

FURNMART OTJIWARONGO

APPELLANT

And

SAM MOOTU

FIRST

RESPONDENT

THE LABOUR COMMISSIONER

SECOND

RESPONDENT

KLEOFAS GAINGOB NO.

THIRD

RESPONDENT

Neutral citation: *Furnmart Otjiwarongo v Mootu* (LCA 72-2013) [2015] NALCMD
13 (1 June 2015)

Coram: MILLER J

Heard: 14 March 2014

Delivered: 1 June 2015

ORDER

JUDGMENT

MILLER, AJ:

This is an appeal against an arbitration award made by the arbitrator in the proceedings who is cited as the third respondent. It is impossible to deal with the merits of the matter because the record is incomplete. The record such as it is consists of two pages. That there are more facts which are not recorded as evident from the award itself wherein the third respondent refers to facts and circumstances which do not appear from the record of the evidence. This court has held on several occasions that an arbitrator must keep a complete and accurate record of the proceedings. In those circumstances, the award is set aside and the matter is referred back to the second respondent to appoint another arbitrator to hear the matter.

P J MILLER
Acting Judge

APPEARANCES

APPELANT:

Mrs I Visser

Instructed by La Grange Legal Practitioners.

FIRST AND SECOND

RESPONDENT:

Mr S Rukoro

Instructed by Directorate of Legal Aid