



EMPLOYMENT TRIBUNALS

Claimant: Mrs Tolseeamah Veeramundar

Respondent: National Westminster Bank Plc

RECORD OF A PUBLIC PRELIMINARY HEARING

Heard at: Watford (by CVP) **On:** 10 August 2023
Before: Employment Judge Alliot (sitting alone)

Appearances

For the claimant: Mr Raj Megha (solicitor advocate)
For the respondent: Ms Louise Usher (solicitor)

JUDGMENT

The judgment of the tribunal is that:

1. The claim is struck out as there is no jurisdiction to hear it.

REASONS

2. This public preliminary hearing was ordered by Employment Judge Lewis to:

“Consider whether to strike out the claimant’s claim as the employment tribunal may have no jurisdiction to hear it.”

3. The claimant was employed by the respondent on 19 January 2009.
4. The claimant was summarily dismissed by the respondent on 18 December 2019.
5. By a claim form presented on 1 July 2020 the claimant made claims of unfair dismissal and for notice pay and holiday pay.

(Claim number 3306574/2020: The first claim)

6. On 20 November 2020 the parties settled the first claim. The claimant signed the settlement agreement on 24 November 2020. The agreement provided for the claimant to withdraw the first claim.

7. The first claim was dismissed following withdrawal of the claim by the claimant by a judgment of Employment Judge Quill on 5 January 2021 (sent to the parties on 5 February 2021).
8. On 20 December 2021 the claimant presented the current claim (claim number 3323716/2021: the second claim). The claim form complains about a detrimental reference provided by the respondent in May 2021 following a request from Openwork Partnership in April 2021 and appears to want to reopen her claim for unfair dismissal.
9. Due to concerns about jurisdiction and the dismissal of the first claim, consideration as to whether the claim should be accepted or rejected was delayed until 20 April 2023. An apology for the long delay has been tendered to the claimant.
10. On 20 April 2023 Employment Judge Quill directed that the claim form be accepted.
11. Employment Judge Quill treated the claim form in the second claim as an application for reconsideration of the judgment dated 5 January 2021 (sent to the parties on 5 February 2021). In a judgment dated 21 April 2023 and sent to the parties on 21 April 2023 Employment Judge Quill rejected any such application for reconsideration on the basis that it was out of time, it was not in the interests of justice to extend time and that, in any event, the contents of the application demonstrated no reasonable prospect of the original decision being varied or revoked.
12. Thus it is that this preliminary hearing has been ordered to determine jurisdiction and strike out.
13. The procedural position seems to be as follows:-
 - 13.1 Unless and until reconsidered and/or successfully appealed the judgment dismissing the first claim on 5 January 2021 stands.
 - 13.2 Employment Judge Quill has refused to reconsider the judgment of 5 January 2021.
 - 13.3 The judgment of 5 January 2021 dismissed all the claimant's complaints concerning unfair dismissal. As such, to raise them in the second claim is an abuse of process and/or the claims cannot proceed due to issue estoppel/res judicata.
14. As part of the claimant's bundle I was taken to a two page document which is an EAT Form 1, Notice of Appeal from Decision of Employment Tribunal. This was apparently filled in by the claimant and signed on 2 June 2023. This refers to making an application under rule 71 for reconsideration and relates to the first claim. The claimant told me that she had submitted it to the tribunal on 2 June 2023.
15. I find that the second claim does not and cannot include a complaint of unfair dismissal.

16. The only residual complaint relates to a detrimental reference. I find that there is no jurisdiction for this tribunal to entertain a complaint about the contents of a reference and/or the supply of information by a regulated entity to another regulated entity.
17. Accordingly, this claim must be struck out.

Employment Judge Alliot

Date: 4 September 2023

Sent to the parties on:

17 September 2023

For the Tribunal:

GDJ