



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss A Mousmie  
**Respondent:** All Square Limited t/a Cleanology  
**BEFORE:** Judge Johnson  
**HEARD AT:** Liverpool (remote, by CVP)  
**HEARD ON:** 17 February 2025  
**ATTENDING**  
**Claimant:** did not attend  
**Respondent:** Jade Collazo (HR director, advocate)  
Joanna Semedo (HR manager)  
Dominic Ponniah (director)

## JUDGMENT

- (1) The claimant's application to amend her claim to include a complaint of race discrimination is refused.
- (2) The claim struck out.

## REASONS

1. The claimant presented a claim form to the Tribunal on 1 May 2024 following a period of early conciliation with ACAS from 19 February to 1 April 2024. She brought a complaint of unlawful deduction from wages in the sum of £34.65.
2. The respondent presented a response on 11 June 2024 and submitted that the claim had in fact been resolved following discussions with ACAS and the claimant confirmed that she had been paid the outstanding wages of £34.65 on 3 May 2024. Ms Semedo was involved in the respondent's discussions with ACAS and the claimant and confirmed that because of the small value of the wages being claimed, no COT3 was considered necessary. The respondent asserted that the case was closed on 8 May 2024 and the claim should be struck out.
3. The claimant made an application to amend her claim to include a complaint of race discrimination on 15 July 2024. Judge Ross ordered that the case be listed for a preliminary hearing in public to deal with the following matters:

- a) Whether the complaint of unlawful deduction from wages should be struck out based upon the respondent's submissions.
- b) Whether the claimant be permitted to amend her claim to include a complaint of race discrimination.

This preliminary hearing was originally listed for 14 August 2024. It was postponed on two occasions due to the unavailability of parties/witnesses and relisted to today's date.

4. The claimant failed to attend the hearing today, had not communicated her non availability to the Tribunal or made an application to postpone. The respondent had not heard anything from her concerning whether she wished to continue with the claim.
5. I dealt with the applications in reverse order as it would appropriate to consider the question of strike out last. Ms Collazo confirmed that the claimant had wrongly used the year 2023 rather than 2024 when stating the end date of her employment and the start of her new role with another employer, (which I understood began on 1 May 2024 following a transfer to another cleaning company under TUPE). I therefore accepted that the claimant had presented her claim in time.
6. The claimant had provided some particulars in support of her application on 15 July 2024, which Ms Collazo confirmed identified employees of the respondent at the relevant time. However, the claimant did not attend today to make her application and the respondent firmly resisted the application. For this reason I refused the application as the claimant appeared no longer to be pursuing it.
7. Moving on to the question of strike out, the claimant had failed to provide any information since the respondent's provided their grounds of resistance and failed to attend the hearing today. Having heard from Ms Semedo today, I accepted that the wages claim had been paid and that this had been accepted by the claimant shortly after she presented her claim form. Accordingly, the Tribunal did not have jurisdiction to hear this case as it had been previously resolved and the claim therefore has no reasonable prospects of success.
8. Moreover, the claimant had failed to pursue her case.
9. As a result, it was correct to strike out this claim.

Approved by  
Employment Judge **Johnson**  
Date: 17 February 2025

JUDGMENT SENT TO THE PARTIES ON  
31 March 2025

FOR THE TRIBUNAL OFFICE