



# EMPLOYMENT TRIBUNALS

**Claimant:** Dr M Henry

**Respondents:** (1) Smile Care South Ltd  
(2) Dr J Dhariwal

## JUDGMENT ON RECONSIDERATION

Upon the Respondent's application under Rule 71 (Schedule 1, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013) ("Rules") to reconsider the Preliminary Hearing Judgment of 12 August 2023, promulgated on 22 August 2023, in which it was found that the Claimant was a worker of the First Respondent and dismissing the claim against the Second Respondent:

- (1) It is not considered necessary in the interests of justice under Rule 72(2) to conduct a hearing in this matter:
  - a. The application is unopposed; and
  - b. The Tribunal was *functus officio* at the date the reserved Judgment was promulgated, the parties having already settled the matter on 11 July 2023 although the Employment Judge had not been informed.
- (2) The application is allowed accordingly. The original decision is revoked in its entirety under Rule 72.

**Employment Judge Norris**  
**Date: 15 February 2024**