

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Whitburn Juniors FC

on behalf of

Andrew Gillen.

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Tuesday 8th October 2024 to deliberate this Claim.
2. In the 44th minute of the East of Scotland Premier Division fixture between Whitburn Juniors FC and Hill of Beath Hawthorn FC on Saturday 6th October 2024, the player was dismissed from the field of play by the Referee for A2 - Violent Conduct.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted video footage showing the incident in question and written submissions.
4. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and upon the balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the player.
5. In summary, the Claimant's submission was that the player had gone face to face with this opponent but there was no forward motion of the player's head.
6. The Referee provided a statement explaining the act which he decided was A2 - Violent Conduct took place when the player marched aggressively towards his opponent and went head to head with his opponent. The player made a forward movement of his head, and at the point of contact the opponent collapsed to the ground holding his face in distress
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to A2 - Violent Conduct.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had been partially successful in demonstrating that an Obvious Refereeing Error had occurred. Whilst there was contact between the player and the opponent, there was no forward movement of the head which would be required for this to be A2 - Violent Conduct.
9. The Determination of the Fast Track Tribunal was that the Claim be partially upheld, and the sending off offence and original sanction should be rescinded. The lesser sanction of a caution for cautionable offence b1l – Commits any other offence(s) deemed by a Match Official to be unsporting behaviour should be imposed with immediate effect.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.