

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A (WRONGFUL DISMISSAL) CLAIM BROUGHT BY:

Berwick Rangers FC

on behalf of

Michael Travis

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Thursday 22nd September 2022 to deliberate this Claim.
2. In the Scottish Cup 1st Round fixture; Linlithgow Rose FC v Berwick Rangers FC, played on Saturday 17th Sept 2022, the player was sent off for A2: Violent Conduct in the 60th minute of the match.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted video footage of the incident in question, a written submission, a statement from the player, and character references from the Berwick Rangers FC Manager and the player's employer.
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 been sent off in error as the incident was neither brutal nor was it deliberately violent. They submitted that the player had not made contact at all with the opponent's head and that the player had won a challenge fairly prior to the incident.
6. The Referee provided a statement explaining his reasoning for the dismissal. He explained there was a deliberate action by the player to kick the opponent on the head whilst he lay on the ground. He noted in his report that the opponent continued in the game after on-field treatment.
7. The Fast Track Tribunal viewed video footage in real time and slow motion where the incident leading to the dismissal occurred. They also carefully considered the written submission from the Claimant and the player's statement. The Fast Track Tribunal disregarded the character references from the employer and club manager as they were irrelevant to their determination. It also considered the definition from Laws of the Game in relation to violent conduct: (*ref IFAB Laws of the Game 2022/23*)

Violent Conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball. A player who when not challenging for the ball, deliberately strikes an opponent or another person on the head or face with the hand or arm is guilty of violent conduct unless force used was negligible. Brutality is further defined as an act which is savage, ruthless or deliberately violent.

Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of serious foul play.

Having considered all the evidence, the FastTrack Tribunal decided that the Claimants were successful in demonstrating that an Obvious Refereeing Error had occurred.

Michael Travis, Berwick Rangers FC

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the FTT must be satisfied that it is more likely than not, in all of the circumstances of the Case, that an obvious refereeing error has occurred. That is the error is 'clear, self evident or easily perceived' (*glossary JPP*).

Having reviewed the video evidence submitted by the Claimant the Fast Track Tribunal were able to agree with the Claimant that an Obvious Refereeing Error had occurred. From the footage provided it appeared that the player had not made any contact with the head of the opposing player, and had indeed made an effort to avoid this whilst his opponent was on the ground. The Fast Track Tribunal noted that the Referee had a clear view of the incident in question but had not immediately blown his whistle for the foul, and play continued for at least seven seconds, on the video footage provided, without the Referee blowing for a foul. They noted that the Referee and his Assistants were not in radio communication in this game to explain the delay in stopping the match for a foul.

The Determination of the Fast Track Tribunal was therefore that the Claim be upheld and the sending off be rescinded on the player's records.

The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.