

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Peterhead FC

on behalf of

Gary Fraser

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 16th December 2020 to deliberate this Claim.
2. In the 65th minute of the Scottish League One fixture between Peterhead FC and East Fife FC on 12th December 2020, the Player was dismissed from the field of play by the Referee for Violent Conduct (A2).
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. A submission was also provided by the opposing East Fife FC player involved in the incident.
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 did not strike or attempt to strike his opponent. He admits to an adverse reaction to a challenge from the opposing player and understands why this might have been misconstrued by the Assistant Referee. The Player's submission accords with the submission of the opposing player.
6. The Referee provided a statement explaining the act which he decided was violent conduct consisted of the Player moving his head towards an opposing player, making contact with his opponent's face, and being delivered in a manner using excessive force. The Referee advised that he did not personally witness the act taking place as his back was to it at the time, thereby relying on the opinion of the Assistant Referee.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants and the opposing player. It also considered the definition from Laws of the Game in relation to: Violent Conduct.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had been successful in demonstrating that an Obvious Refereeing Error had occurred, the Tribunal being satisfied, unanimously, that it could not be entirely certain whether or not the Player had made contact with the opposing player's face, and, if such contact had indeed occurred, whether or not it met the threshold of excessive force, or whether it was negligible.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld in part, and the sending off offence and original sanction should be rescinded and replaced with a caution for

showing a lack of respect for the game (B1j) displayed by the Player's aggressive reaction to the opposing player's challenge.

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