

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Civil Service Strollers FC (“Club”)

on behalf of

Shaun Turnbull (“Player”)

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 20 February 2019 to deliberate this Claim.
2. In the 55th minute of the fixture between East Kilbride FC and Civil Service Strollers FC on 16 February 2019, the Player was dismissed from the field of play by the referee for A2 Violent Conduct.
3. The Claimants (Club and Player) submitted a Claim of Wrongful Dismissal on behalf of the player Mr Turnbull. In support of this Claim, the Claimant submitted video footage showing the incident and a written submission from the club.
4. The Claimant’s submission was that the contact was caused by the opposition number 5 moving closer to Mr Turnbull which led to Mr Turnbull’s hand unintentionally touching the opposition number 5’s groin area. It was not deliberate violent conduct.
5. The Referee provided a statement explaining the act, which he determined was violent conduct.
6. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and not opinion, and upon the balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the Player.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimants.
8. Having reviewed the video evidence the Fast Track Tribunal was satisfied it was deliberate violent conduct by Mr Turnbull towards the opposition number 5 by striking the opposition number 5’s groin area with excessive force and at close quarters. The referee had a clear view of events.
9. Having considered all of the evidence, the Fast Track Tribunal found, on a balance of probabilities, that the Referee had not made an Obvious Refereeing Error. The Referee’s decision to dismiss the player for Violent Conduct was not a clear, self-evident or easily perceived error.
10. The Determination of the Tribunal was that the Claim be dismissed and that the sending off offence of Violent Conduct and mandatory sanction be re-applied.
11. The Tribunal also determined that the Claim was not frivolous, an abuse of process, a delaying tactic or without prospect of success.
12. The Determination of the Fast Track Tribunal is final and binding and is not subject to Appeal.