

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Luncarty FC

on behalf of

Daniel Walker

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 17th May 2023 to deliberate this Claim.
2. In the 70th minute of the East of Scotland First Division fixture; Luncarty FC v Whitehill Welfare FC, played on Saturday 13th May 2023, the Player was sent off for A4 - Denying the opposing team or an opponent a goal or an obvious goal scoring opportunity as defined by Law 12.
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 and a written submission from the club and player.
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 not committed a foul in the incident leading to his dismissal. They contended that the player had little contact with the opposition player, and did not have two hands on the opposing players back. They submitted that the opponent took a heavy touch, and there was a covering defender who cleared the ball whilst the opposing player threw himself to the ground in simulation. They believed there was little contact at all and it was outside the box when the opposing player threw himself to the ground.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player pushed his opponent in the back in the penalty area, with a clear and unobstructed view from 30 yards. He believed that had the attacking player not been pushed he would have had a clear goal scoring opportunity. He noted that only after the player pushed the attacker was the covering defender there to make a challenge, and felt that the covering defender would not have otherwise have made the challenge.
7. The Fast Track Tribunal viewed video footage in real time of the incident leading to the dismissal. They also carefully considered the written submission from the Claimant.

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

Having reviewed the video evidence submitted by the Claimant, the Fast Track Tribunal were able to agree with the Claimant that a Refereeing error had occurred.

From the video presented it was clear that the covering defender was in a clear position to make a challenge for the ball, and that any touch on the back of the attacking player occurred outside the box.

Daniel Walker, Luncarty FC

The Fast Track Tribunal were provided with video evidence which gave a good view of the incident.

For a claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal 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*).

The video footage supplied showed clearly that there was no obvious goal scoring opportunity for the attacking player, with a covering defender in a legitimate position to make a clear challenge for the ball.

Based on the above, the Fast Track Tribunal were unanimous that the Claimant had demonstrated in their submission that the Referee had made an Obvious Error resulting in the wrongful dismissal of the player.

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.