

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Cowdenbeath FC

on behalf of

Iain Davidson

1. These are the written reasons for the Determination made by a Fast Track Tribunal which convened on Wednesday 15th February 2023 to determine this Claim.
2. In the 44th minute of the Lowland League fixture between Cowdenbeath FC and Rangers FC on Saturday 11th February 2023, the player was dismissed from the field of play by the Referee for the offence A2 - Violent Conduct, as defined by the Laws of the Game.
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the player. In support of the Claim, the Claimant submitted video footage showing the incident in question as well as a written submission from their Club Secretary, David Allan.
4. In summary, the Claimant's submission was that the player was not violent, but reckless in his actions towards the Rangers FC player, and that he should have received a caution rather than be dismissed.
5. The Referee provided a written statement confirming the act which he decided was Violent Conduct. The Referee confirmed that he dismissed the player for Violent Conduct because of the brutality and excessive force with which the player pulled the shirt of the Rangers FC player, and as, by doing so, he endangered the safety of the opponent player.
6. In order for a Claim of Wrongful Dismissal to be upheld the Fast Track Tribunal must be satisfied, on a balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the player.
7. An Obvious Refereeing Error, as stated in Annexe F to the Judicial Panel Protocol 2022/23, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.
8. In IFAB Laws of the Game Violent Conduct is defined as follows:-

"Violent Conduct is when a Player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made."
9. The Fast Track Tribunal viewed the video footage of the incident, supplied by the Claimant, and carefully considered the Referee's written statement as well as the Claimant's Club Secretary's written submission. Having done so, the Fast Track Tribunal found, on a balance of probabilities, that the player did not challenge for the ball and used excessive force in pulling the shirt of the opponent player.

10. The Fast Track Tribunal further found that the Referee was well positioned to see the challenge and make his decision.
11. Accordingly, and on a balance of probabilities, the Fast Track Tribunal found that the Referee had not made an Obvious Refereeing Error in concluding that the player's actions in pulling the shirt of the opponent player with excessive force, constituted Violent Conduct. Having considered the available evidence the Fast Track Tribunal found that the Referee's conclusion and decision to dismiss the player for Violent Conduct was not a clear, self-evident or easily perceived error.
12. Therefore, the Determination of the Fast Track Tribunal was that the Claim be dismissed and that the sending off offence, and mandatory sanction, be re-imposed.
13. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to appeal.