

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

**Queen of the South FC**

**on behalf of**

**Robert Nditi**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 1st December 2021 to deliberate this Claim.
2. In the 82nd minute of the Scottish Cup 3<sup>rd</sup> round fixture between Cove Rangers FC and Queen of the South FC on Saturday 27th November 2021, the player was dismissed from the field of play by the Referee for Violent Conduct.
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.
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 challenged for the ball and his challenge was not violent, did not use excessive force and the safety of the opponent was not endangered.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct occurred when the player violently kicked the opponent in the calf area of his leg when challenging from behind, the challenge was not a genuine attempt to play the ball, and the player endangered the safety of the opponent.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants. 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 unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. The Referee was well placed to see the incident, the player clearly kicked the opponent on the lower leg whilst challenging from the rear with no hope of making contact with the ball.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be reimposed, further the Fast Track Tribunal decided that the Claim was not frivolous and did not fall to be dealt with under paragraph 13.21.1 of the Judicial Panel Protocol.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.