

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Rangers FC

on behalf of

Dujon Sterling.

1. These are the Written Reasons for a Determination made by a Fast Track Tribunal which convened on Thursday 8th February 2024 to deliberate this Claim.
2. In the 88th minute of the Scottish Premiership Fixture between Rangers FC and Aberdeen FC on Tuesday 6th February 2024, the player was dismissed from the field of play by the Referee for A1 – Serious Foul Play.
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 incidents in other matches), in tandem with 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 written submission suggested that the player did not lunge into this tackle, and was in control of his body throughout it, with the sole intent of making a legitimate attempt to play the ball, nor did this intended tackle endanger the safety of his opponent. The club also made various submissions in relation to the merits and persuasiveness of a VAR On-Field Review.
6. The Referee provided a statement explaining the act which he decided was an A1 offence for the tackle which he determined had endangered the safety of an opponent.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from and on behalf of the Claimant. It also considered the definition from Laws of the Game in relation to Law 12, in particular A1 – Serious Foul Play.
8. Having considered all the evidence, the Fast Track Tribunal decided, unanimously, that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. The Fast Track Tribunal unanimously rejected the recommended categorisation of the offence as B1C – Recklessly tackles or challenges an opponent, thus warranting only a caution of the player as submitted by the Club. In contrast, the Fast Track Tribunal entirely agreed that excessive force was indeed used, and that the opponent was endangered by this excessive force. The high degree of speed and intensity in the challenge were also considered as significant contributing factors, meriting an A1 - Serious Foul Play offence.
9. In addition to this, the comment by the Club that no injury was caused was not supported by the video footage, where the opponent who suffered the challenge is seen receiving treatment after it. The evidence of the Club was not favoured, valued, and was disregarded as plausible in reaching our decision on these matters. In addition to the foregoing, the Club and the player submitted that he was "stretching his leg to make a tackle" and "I stretched my left leg out to tackle", we believed these comments to be unsupported by the video evidence and carry negligible weight. Again, the

Fast Track Tribunal was not persuaded by these comments and could only describe such movement by the player as a lunge. The suggestion of otherwise by the Club, led to some discussion of whether the Claim was frivolous and had no prospects of success. However, such a finding was collectively disregarded, given the attempted but unhelpful arguments in the submissions made on behalf of the player.

10. Also valued of de minimis weight akin to the denial of a lunge in the above paragraph, the Fast Track Tribunal did not consider the footage of other matches to be of significant value or persuasiveness. The conditions of the other games, the weather, circumstances before and after the incidents, reactions of the players and/or crowd, positioning and views of Referee etc. all suggested that the Referee's decision at that time could not persuade a decision by appropriate comparison in the considerations of A1 - Serious Foul Play for this game. All collectively finding the Clubs submissions implausible and further unsupported by the video evidence in particular, it was rejected that an Obvious Refereeing Error had occurred. Furthermore, we rejected the assertion that the involvement of VAR emphatically suggests that the Referee had committed an Obvious Refereeing Error. It must be accepted that the Referee has the final decision, even in circumstances where the assistance of VAR is involved.
11. The Determination of the Fast Track Tribunal was that the Claim be dismissed, and that the original sanction of a red card for A1 – Serious Foul Play be re-imposed with immediate effect. Finally, we also noted the alleged Referee conduct in the submission as irrelevant to the Fast Track Tribunal's considerations of A1 - Serious Foul Play.
12. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.