

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Dundee United FC ("Club")

on behalf of

Logan Chalmers ("Player")

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 4 April 2019 to deliberate this Claim.
2. In the 89th minute of the SPFL Reserve League fixture between Dundee United FC v Aberdeen FC on 1 April 2019 the Player, Logan Chalmers was dismissed from the field of play by the Referee for A2 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 a written submission.
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 did not commit an act of violent conduct in that he did not strike his opponent by elbowing him in the face; they claimed that the clash between the Player and his opponent was an accidental clash of heads. They submitted that Mr Chalmers had turned around to react to a throw in and with the Aberdeen defender running towards Mr Chalmers this resulted in both players coming together and clashing heads. This caused both players to be injured albeit the Aberdeen player fell to the ground. They further submitted that the clashing of heads was evident in their video submission, though as the motion and contact was quick they thought that the referee may have only saw the clash. They noted that Mr Chalmers was not watching the opposition player, his eyes were only on the ball and therefore the coming together was accidental. They submitted that Mr Chalmers also had a head injury although remained on his feet during the clash.
6. The Referee provided a statement explaining the act which he decided was violent conduct because at the time he believed he witnessed Mr Chalmers violently using his right elbow to strike his opponent in the face with excessive force and brutality in an off the ball incident. He submitted that he was approximately 10 yards from the incident with a clear and unobstructed view.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimant. It also considered the definition from Laws of the Game in relation to violent conduct: (*ref IFAB Laws of the Game p108/09 & p169*)

Violent Conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball. A player who when not challenging for the ball, deliberately strikes an opponent or another person on the head or face with the hand or arm is guilty of violent conduct unless force used was negligible. Brutality is further defined as an act which is savage, ruthless or deliberately violent.

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred.
9. The Fast Track Tribunal determined that the referee had made an obvious refereeing error in concluding that Mr Chalmers had deliberately stuck his opponent on the face. It was clear that the coming together was accidental and therefore does not meet the threshold to be considered violent conduct, in that it was not deliberate or brutal.
10. To support this Determination the Fast Track Tribunal reviewed the video footage supplied by the claimant in real time. They noted that the Player had turned rapidly around and was not aware of the movement of the Aberdeen player towards him. He appeared to be following the flight of the ball and was concentrated on that with the opponent so close that he was unable to avoid a collision having his head down and looking away from the opponent. It was clear in the video footage that the Player's head clashed with the head of his opponent but this was both unintentional and unavoidable. Incidentally his elbow did not appear to strike his opponents face. In that respect the referee made an error in noting this as a Violent Conduct offence and sending the Player off.
11. The Determination of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and mandatory sanction should be rescinded.
12. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.