

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A (WRONGFUL DISMISSAL) CLAIM BROUGHT BY:

Kilmarnock FC

on behalf of

Zachary Hemming

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on the evening of 30th December 2021 to deliberate this Claim.
2. In the Cinch Championship League fixture; Hamilton Academical FC v Kilmarnock FC, played on 26th December 2021, the Player was sent off for A4: Denying the opposing team or opponent a goal or goal scoring opportunity.
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.
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 been sent off in error having made contact with the ball in advance of the opposition player and there was an unavoidable coming together of the two.
6. The Referee provided a statement explaining his reasoning for the dismissal as being for a reckless tackle on the opposition player. The tackle was made at speed, and with intensity and despite contact with the ball constituted a foul. The Hamilton player having had an obvious goal scoring opportunity had he not been fouled.
7. The Fast Track Tribunal viewed video footage in real time and in slow motion where the incident leading to the dismissal occurred. They also carefully considered the written submission from the Claimant.
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. Having reviewed the video evidence the Fast Track Tribunal were given a clear view, in the slow motion footage in particular, showing the Player had made contact with the ball cleanly before his opponent's momentum carried him into the player as they both challenged for the ball.
10. The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident which supported the Claimants appeal and demonstrated a clear clean challenge in advance of the opposing player falling over the Player as his momentum carried him forward in the challenge. Based on this the Tribunal were unanimous that the Claimant demonstrated in their submission that the Referee had made an obvious error resulting in the wrongful dismissal of the Player.

Zachary Hemming, Kilmarnock FC

11. The Determination of the Fast Track Tribunal was therefore that the Claim be Upheld and the sending off be rescinded on the Player's record.
12. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.