

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Brechin City FC**

**on behalf of**

**Fraser McLeod**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 26th October 2022 to deliberate this Claim.
2. In the 103rd minute of the Scottish Cup second round fixture between Brechin City FC and Stirling Albion FC on Saturday 22nd October 2022, the player 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 written submissions. Part of the video evidence submitted related to an incident which the Claimants stated was similar in nature to the incident involving the player in question. The Fast Track Tribunal decided this was irrelevant and did not view this footage.
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 committed a foul in which there was no violence and was a trip which merited a caution only.
6. The Referee provided a statement explaining the act which he decided was A2 Violent Conduct stating that the player was not within playing distance of the ball when he kicked the opponent with an act of brutality with excessive force across the leg.
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 A2 Violent Conduct.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had partially successfully demonstrated that an Obvious Refereeing Error had occurred in that the player did not commit an act of violent conduct, but committed a cautionable offence by recklessly kicking an opponent.
9. The Determination of the Fast Track Tribunal was that the Claim be partially upheld and the sending off offence and original sanction should be rescinded, and a lesser sanction of a caution of a caution for B1d Recklessly kicks or attempts to kick an opponent be imposed.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.