

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

East Kilbride FC

on behalf of

Blair Richardson

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 20th October 2021 to deliberate this Claim.
2. In the 90th minute of the Lowland U20s Development League Conference A fixture between Alloa Athletic FC and East Kilbride FC on Friday 15th October 2021, the player was dismissed from the field of play by the Referee for offence 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.
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 tried to retrieve the ball from the opposing player who was holding the ball in his hands, and delaying the restart of the game following the award of a free kick against his team. At no time was there any excessive force or brutality involved or intended when the player tried to retrieve the ball.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct occurred when the player tried to retrieve the ball from his opponent, who had his back to the player holding the ball in his hands. He states that the player had one arm round the opponent's waist and the other arm restraining the opponent round the neck. He states that excessive force was used by the player when he restrained the opponent by the throat.
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 of the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. The Fast Track Tribunal were unanimous in their view that Violent Conduct had not occurred, in that there was no evidence of excessive force or brutality being used.
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 the lesser sanction of a caution for offence B1J – Shows a lack of respect for the game – be applied. The Fast Track Tribunal, in light of the decision outlined above, instructed that the club should be refunded the full fee incurred in relation to this Claim.

10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.