

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Cumnock Juniors FC**

**on behalf of**

**Kyle McAusland**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 9<sup>th</sup> March 2022 to deliberate this Claim.
2. In around the 57th minute of the West of Scotland Premier League fixture between Kilwinning Rangers FC and Cumnock Juniors FC on Friday 4<sup>th</sup> March 2022, the player was sent off for 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 Claimants submission was that the player did not commit an act of Violent Conduct and that the Referee had made a mistake.
6. The Referee provided a statement explaining the act which he decided was violent conduct.
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 which states:  
  
*An action, which is not a challenge for the ball, which uses or attempts to use excessive force or brutality against an opponent or when a player deliberately strikes someone on the head or face unless the force used is negligible.*
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimant has not successfully demonstrated that an Obvious Refereeing Error had occurred. The definition of an Obvious Refereeing Error requires that an error be clear or self-evident or easily perceived and that was not established by the video evidence.
9. The Determination of the Fast Track Tribunal was that the Claim be rejected and the original sanction of dismissal should be upheld. The Claim is not considered to be misconceived or one that had no prospect of success.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.