

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Bo'ness United FC

on behalf of

Greg Skinner

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 22nd September 2021 to deliberate this Claim.
2. In the 50th minute of the Scottish Cup fixture between Wick Academy FC and Bo'ness United FC on Saturday 18th September 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, in the course of a challenge for the ball, there was a coming together of legs and the player accidentally stood on the opponent's leg whilst looking up to follow the ball.
6. The Referee provided a statement explaining the act which he decided was violent conduct when the player, following a legal challenge, made a deliberate unnatural step with a downward motion with his left leg to stamp on his opponent's 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 offence A2 – violent conduct.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. The Fast Track Tribunal were unanimous in their view that the Referee had a clear unobstructed view of the incident, whilst the video footage did not provide the same unobstructed view and that there was no evidence that a Clear and Obvious Refereeing Error had occurred.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be re-imposed. The Fast Track Tribunal did not find the Claim to be frivolous and did not apply any sanction in terms of paragraph 13.13.8 of the JPP.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.