

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

Kilmarnock FC

on behalf of

Stuart Findlay, Player

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 25 November 2020 to deliberate this Claim.
2. In the 8th minute of the fixture between Kilmarnock FC v Ross County FC on 21st November 2020, the Player was dismissed from the field of play by the Referee for A4: clearly denying the opposing team or an opponent a goal or an obvious 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 two videos with footage showing the incident in question and a written submission. They also provided a Twitter Link to a BBC Sport Scotland discussion on the dismissal.
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 did not deny an obvious goal scoring opportunity. They claimed that the footage showed, from various angles, that the Player was ahead of his opponent as he slid in to pass the ball back to a teammate (no 23). In doing so, they contended, that he initially touched the ball with the sole of his boot, which made the ball bounce up, though this was close enough for him not to lose possession as he was side by side with his opponent, allowing him to make contact with the ball and pass it back at pace to his teammate (no 23). They claimed that the ball did not change direction and only at the point of playing this pass back did the Player come into contact with his opponent. They contended that at no point did the Ross County player make contact with the ball, nor would the Ross County player have been able to get the ball due to the speed the ball was travelling and the close proximity of the Kilmarnock no 23.
6. The Referee provided a statement explaining the act which he decided was clearly denying the opposing team or an opponent a goal or an obvious goal scoring opportunity.
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:

Denying the opposing team or an opponent a goal or an obvious goal scoring opportunity which states:

Where a player commits an offence against an opponent within their own penalty area which denies an opponent an obvious goal-scoring opportunity and the referee awards a penalty kick, the offender is cautioned if the offence was an attempt to play the ball; in all other circumstances (e.g. holding, pulling, pushing, no possibility to play the ball etc.) the offending player must be sent off.

The following must be considered:

- distance between the offence and the goal

- general direction of the play
 - likelihood of keeping or gaining control of the ball
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.
 9. The Tribunal were not convinced that the referee had made an obvious refereeing error in concluding that the challenge on the Ross County no 27 by Stuart Findlay was one where an obvious goal scoring opportunity was denied.
 10. To support this determination the Tribunal reviewed footage from both videos supplied by the claimant in real time and in slow motion. The video named 'Stuart Findlay Red Card' v Ross County was more helpful for the Tribunal in reaching their determination. Within it at, or around, the 36 and 45 second timepoints there were clear views presented of the Players left leg moving upwards in a deliberate motion to prevent his opponent's forward momentum. This was not thought to be a natural movement of the leg from the Player falling or playing the ball. This was therefore considered to be a clear foul by the Tribunal They further noted that the Ross County player was close enough to reach the ball before it reached the Kilmarnock no 23 had he not been impeded by this foul.
 11. The Tribunal also noted that the Twitter footage with pundit commentary did not fit the criteria for submission of video footage as outlined in the Judicial Panel Protocol, specifically section 13.11.3.3. Twitter is not an accredited broadcaster. The commentary within from football pundits was unhelpful in its steer towards a decision to support the claimant's viewpoint. The Tribunal refers the Claimant to section 13.10.1 of JPP which steer a Tribunal to determinations based on evidence and not opinion. This footage and commentary therefore were not considered by the Tribunal in their determination.
 12. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and mandatory sanction should be reimposed.
 13. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.