

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Motherwell FC

on behalf of

Dan Casey.

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Tuesday 24th December 2024 to deliberate this Claim.
2. In the 78th minute of the Scottish Premiership fixture between Motherwell FC and Kilmarnock FC on Friday 20th December 2024, 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. The Fast Track Tribunal also viewed the VAR footage that was available to the Referee when he was asked to conduct an On-Field Review of the incident following his initial decision to dismiss the player.
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. The Claimants submitted that the player did not strike an opponent on the head or face. Even if the player was found to have struck an opponent in this manner (which the Claimant's denied, per the above), then it was further submitted that the force used was negligible. The Claimants also made reference to social media coverage of the incident and the subsequent public criticism of the Referee's decision.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. The Referee's statement confirms his view that the player grabbed an opponent by the throat and that this amounted to Violent Conduct due to the sensitivity of the neck and throat area. The Referee confirmed that VAR requested a review of the decision, on the basis that VAR considered the player's actions to be more reckless than violent. The Referee confirmed that when watching the VAR footage, he saw the opponent's head move back due to an upward motion of the player's hand. The Referee concluded that there was contact to the chin of the opponent with more than negligible force.
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 is as follows:

Violent conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team

official, match official, spectator or any other person, regardless of whether contact is made.

In addition, a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible.

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had been partially successful in demonstrating that an Obvious Refereeing Error had occurred. The Fast Track Tribunal did not consider that the player used excessive force or brutality. The Fast Track Tribunal also did not consider that the player deliberately struck the opponent in the head or face. In any event, any force used towards the head/face was negligible. The Fast Track Tribunal considered the act by the player to be a push to the chest, with there being no intention by the player to make contact with his opponent's head or face. The Fast Track tribunal did not have regard to the Claimants' submissions relating to the social media reaction to the incident when making its decision.
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. The Fast Track Tribunal decided that the lesser sanction of a caution for B1f – Holds or pushes an opponent should be imposed in place of the original sanction of dismissal.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.