

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A MISTAKEN IDENTITY CLAIM BROUGHT BY:

Stenhousemuir FC (the Club)

on behalf of

Conor McBrearty (the Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Friday 4 January to deliberate this Claim.
2. In the 92nd minute of the SPFL League 1 fixture between Stenhousemuir and Dumbarton FC on 29 December 2018 the Player was cautioned by the Referee for a foul on a Dumbarton player.
3. The Claimants submitted a Claim of Mistaken Identity 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 Mistaken Identity 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 commit the foul and that the referee had cautioned the wrong player.
6. The Referee provided a statement explaining the act which he decided was a cautionable offence and he explained how he identified the player involved.
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 the committal of reckless challenges.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. The Tribunal was satisfied that the referee's decision was incorrect.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld and the cautionable offence be rescinded.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.