

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Berwick Rangers FC**

**on behalf of**

**Yaw Osei Opoku-Berchie**

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 8 August 2019 to deliberate this Claim.
2. In the 67<sup>th</sup> minute of the Scottish League Challenge Cup fixture between Berwick Rangers FC v Rangers FC (U-21) on 6 August 2019 the Player, Mr Opoku-Berchie, was dismissed from the field of play by the Referee for A1: Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of Mr Opoku-Berchie. In support of this Claim, the Claimants submitted video footage showing the incident in question and a written statement from the player regarding the incident leading to his dismissal. The statement also included comments from the manager and assistant manager of Berwick Rangers FC.
4. In summary, the Claimant's submission was that the Player did not commit an act of Serious Foul Play, in that the Player maintained that he had been moving towards the ball, went into the tackle sideways, in order not to get hurt, and that his feet were planted on the ground without his studs showing. He claimed there was no malicious intent in the tackle and that the referee had dismissed him because the opponent had shouted and the referee had heard the ball hitting of his boots or studs.
5. The Referee provided a statement explaining the act which he decided was Serious Foul Play because it endangered the safety of an opponent. He further explained that the challenge was made at speed, the player had no opportunity to play the ball and his studs were raised upward and at impact were within the ankle region of the opponents standing leg.
6. 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.
7. The Fast Track Tribunal viewed 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 serious foul play: (*ref IFAB Laws of the Game 2019/20 p111*)

*Serious Foul play is defined as tackle or challenge that endangers the safety of the opponent or uses excessive force or uses excessive force or brutality. Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of serious foul play.*

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred.

9. Having reviewed the video evidence submitted by the Claimant it was clear to the Fast Track Tribunal that the challenge endangered the opponent.

This met the definition of serious foul play, as noted in IFAB Laws of the Game. The player was side on at the point of impact, moving at speed and he collided with his opponent when he had no reasonable opportunity to win the ball.

The issue of intent as noted in the player's statement 'no malicious intent in the tackle' is not relevant to the appeal as the Laws of the Game in reference to serious foul play do not reference intent. The challenge clearly endangered the opponent.

The Fast Track Tribunal therefore did not accept the claimant had demonstrated that the referee had made an obvious refereeing error in dismissing the player for serious foul play for this incident.

10. The Fast Track Tribunal was provided with video evidence which gave a clear view of the incident.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal must be satisfied that it is more likely than not, in all of the circumstances of the Case, that an obvious refereeing error has occurred. That is the error is 'clear, self evident or easily perceived' (*glossary JPP*).

The Tribunal noted that the referee was close to the incident, had a clear and unobstructed view and had no hesitation in determining at the time that this was a red card offence.

Based on this, the Fast Track Tribunal members were unanimous that the Claimant failed to demonstrate in their submission that the referee had made an obvious error resulting in the wrongful dismissal of the player.

11. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.