

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Strathspey Thistle FC

on behalf of

Connor Austin

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the evening of Tuesday 4th April 2023 to deliberate this Claim.
2. In the 65th minute of the Highland Football League fixture between Strathspey Thistle FC and Clachnacuddin FC, played on Saturday 1st April 2023, the player was sent off for A4: Denying the opposing team or opponent a goal or a 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 video footage of the incident in question and a written submission from the player and a club witness.
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 had not committed a foul in the incident leading to his dismissal. They contended that the opponent had started falling as the player attempted to go around him, and that if there was any contact, it was minimal. They also claimed there was a covering defender.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that a long ball was played over the top. He believed that the player's challenge fouled the opponent by deliberately tripping him and pulling his shirt, whilst he was bearing down on goal and had a clear and obvious goal scoring opportunity. He noted that other Strathspey Thistle FC defenders were not close enough to play to apply any defence of the goal scoring opportunity, and the attacker had an opportunity to shoot on goal had he not been fouled outside the box.
7. The Fast Track Tribunal viewed video footage in real time of the incident leading to the dismissal. They also carefully considered the written submission from the Claimant.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the video evidence submitted by the Claimant, the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred.

From the angle presented, and after a number of viewings, both in real time and in slow motion, it was clear that the player had fouled the opposing attacker. There was direct contact with the player grabbing at the opposing player's jersey, and the player's legs catching his opponent in flight. They also noted that the Referee had a clear and direct view of the incident from a few yards away.

Connor Austin, Strathspey Thistle FC

The Fast Track Tribunal were provided with video evidence which gave a single angle view of the incident from distance.

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 video footage supplied, after multiple reviews, showed a brief coming together of the player and opponent which was sufficient to tumble the attacking player. They did not at any point see the player take possession of the ball nor indeed attempt to play the ball. They noted a clear pull of the opponent's jersey. The Fast Track Tribunal noted that the Referee was close to the incident. He had a clear and unobstructed view to determine at the time that this was a foul and a red card offence.

Based on the above, the Fast Track Tribunal were unanimous that the Claimant failed to demonstrate in their submission that the Referee had made an Obvious Refereeing Error resulting in the Wrongful Dismissal of the player.

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

The Fast Track Tribunal did not believe this to be a frivolous Claim, as considered under section 15.9 of the JPP, therefore no further sanction has been imposed.