

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Dumbarton FC**

**on behalf of**

**Ross MacLean**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 26th January 2022 to deliberate this Claim.
2. In the 44th minute of the Scottish Cup 4<sup>th</sup> Round fixture between Dumbarton FC and Dundee FC on Saturday 22nd January 2022, the player was dismissed from the field of play by the Referee for 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.
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 commit any action which merited a dismissal for Violent Conduct.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct comprised the player swinging his elbow backwards with excessive force into the lower torso of the opponent causing the opponent to fall to the ground and committed an act of brutality.
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.
8. Having considered all the evidence, the Fast Track Tribunal decided unanimously that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. The Fast Track Tribunal viewed the action of the player as being a "shrugging off" of the opponent and there was no evidence at all of either excessive force or brutality.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.