

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A (WRONGFUL DISMISSAL) CLAIM BROUGHT BY:

Blackburn United FC

on behalf of

Dominic Kane

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 16th November 2022 to deliberate this Claim.
2. In the 42nd minute of the East of Scotland Premier League fixture; Haddington United FC v Blackburn United FC, played on Saturday 12th November 2022, the player was sent off for A1: Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted video footage and a written submission from the club Manager and a statement from 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 Claimant's submission was that the player had not committed a foul in the incident leading to his dismissal. They contended that the player had slid in a controlled manner, won the ball and did not make contact with the opposing players ankle. They further submitted that the player had been kicked by the opponent, and it was indeed the player who had been fouled with the Referee also having missed an earlier foul on the player immediately preceding the incident leading to his dismissal.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player attempted a challenge to regain control of the ball he had lost. In doing so the player lunged into the challenge at speed, leading with his studs and with a straight leg and made contact with the opponent's ankle. He believed that the challenge by the player endangered the safety of his opponent.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal. They also carefully considered the written submission from the Claimant and the Referees detailed report. It also considered the definition from Laws of the Game in relation to serious foul play: (*ref IFAB Laws of the Game 2021/22*).

*A tackle or challenge that endangers the safety of the opponent **or** uses excessive force **or** brutality must be sanctioned as serious foul play.*

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.

Dominic Kane, Blackburn United FC

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 single angle video evidence submitted by the Claimant the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred. They noted that the Referee had a clear and uninterrupted direct view of the incident from a few yards away. It was clear to the Fast Track Tribunal that the players challenge was uncontrolled and he had made contact with the opponent, albeit being himself injured in the challenge.

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 Fast Track Tribunal were provided with video evidence which gave a single angle view of the incident from some distance. The Fast Track Tribunal were surprised that further angles of the incident were not provided to support the claimants case, though the video supplied was helpful in showing the Referees position and angle of view. The Fast Track Tribunal noted that the Referee was close to the incident. He also 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 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.

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.

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