

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Livingston FC (Club)

on behalf of

Jack Hamilton (Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 31 December, 2018, to deliberate this Claim.
2. In the 84th minute of the fixture between Dundee FC v Livingston FC on 26 December 2018, the Player was dismissed from the field of play by the Referee for the sending off offence of A2 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 an act of violent conduct in that he did not strike his opponent on the face when lay on the ground.
6. The Referee provided a statement explaining the act which he decided was violent conduct because at the time he believed he witnessed Mr Hamilton, while he lay on the ground, strike upwards with his right hand and making contact with his opponent's face.
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 (*ref IFAB Laws of the Game p108/09 & p169*). Violent Conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball. A player who when not challenging for the ball, deliberately strikes an opponent or another person on the head or face with the hand or arm is guilty of violent conduct unless force used was negligible. Brutality is further defined as an act which is savage, ruthless or deliberately violent.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred, insofar that the sending off offence be rescinded and replaced with a cautionable offence of B1f "holds or pushes an opponent".
9. The Tribunal determined that the referee had made an obvious refereeing error in concluding that Mr Hamilton had struck his opponent on the face. It was clear also that no brutality was involved in this incident. To support this Determination the Tribunal reviewed the video footage supplied by the claimant in real time and in slow motion. They noted that the player, when lay on the ground, pushed on his opponent's right shoulder, rather than on his face as intimated by the

referee. The Tribunal noted that the opposing player had clutched his face, which may have influenced the referee's decision.

10. The Determination of the Fast Track Tribunal was that the Claim be upheld in part and the sending off offence of A2 Violent Conduct and mandatory sanction should be rescinded. A cautionable offence of B1f for 'holds or pushes an opponent' should be applied.
11. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.