

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

Kilmarnock FC (the Club)

on behalf of

Rory McKenzie (the Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 25 April 2019 to deliberate this Claim.
2. In the 90th minute of the Scottish Premiership fixture between Kilmarnock FC and Aberdeen FC on 20 April 2019 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 an act of violent conduct. The Claimants state that the players became tangled, the Player flicked out a leg and attempted to turn away to continue play.
6. The Referee provided a statement explaining the act which he decided was violent conduct was not seen by him but was brought to his attention by the fourth official who advised that the Player had kicked his opponent 3 times and that he should administer a red card for violent conduct. He acted on that advice.
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 that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. The Tribunal were of the view that the video evidence submitted by the Club showed that an act of violent conduct had not taken place.
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of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded and a lesser sanction of a caution be imposed for the offence of unsporting behaviour (B1I).
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.