



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Clydebank FC

on behalf of

Frazer Johnstone

1. These are the written reasons for the determination made by a Fast Track Tribunal which convened on Wednesday 8th September 2021 to determine this Claim.
2. In the 50th minute of the West of Scotland Premier Division fixture between Clydebank FC and Pollok FC on Saturday 4th September 2021, the player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by the Laws of the Game
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the player. In support of the Claim, the Claimant submitted video footage showing the incident in question as well as a written submission and written statements of the player and the Claimant's Manager.
4. In summary, the Claimant's submission was that the player did not use brutality, did not head-butt his opponent, and that there had been an accidental clash of heads between the players.
5. The Referee provided a statement confirming the act which he decided was Violent Conduct. The Referee stated that he dismissed the player for Violent Conduct because the player had bent over the opponent, after the latter had fallen to the ground following a challenge by the player, and acted brutally in head-butting his opponent. The Referee stated that he had not seen the incident, between the player and his opponent, as he had followed ongoing play, and had consulted his Assistant Referee ("AR1") when making his decision.
6. In order for a Claim of Wrongful Dismissal to be upheld the Fast Track Tribunal must be satisfied, on a balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the player.
7. An Obvious Refereeing Error, as stated in Annexe F to the Judicial Panel Protocol 2021/22, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.
8. In IFAB Laws of the Game, Violent Conduct is defined as follows:-

"Violent Conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made."

Frazer Johnstone, Clydebank FC

9. The Fast Track Tribunal considered all of the available evidence. The Fast Track Tribunal viewed the video footage and carefully considered the Claimant's written submission, and the statements of the Referee, player, and the Claimant's Manager. Having done so, the Fast Track Tribunal found, on a balance of probabilities, that the player did not use brutality against his opponent, and did not strike the latter's head with his head. The Fast Track Tribunal found that the opponent, when starting to get up from the playing field, had moved his head towards the player's head, as the latter had bent down to remonstrate with him. The Fast Track Tribunal found that the player had acted aggressively in bending down and remonstrating with his opponent who was on the ground. Accordingly, the Fast Track Tribunal found that the player had committed the offence B1j) Shows a lack of respect for the game.
10. The Fast Track Tribunal had the benefit of, and placed particular reliance upon, the video footage which clearly showed the incident.
11. Accordingly, and on a balance of probabilities, the Fast Track Tribunal found that the Referee's conclusion, and decision to dismiss the player for Violent Conduct was a self-evident error and that the player, by his actions, had in fact, committed the cautionable offence of B1j) Shows a lack of respect for the game.
12. Therefore the determination of the Fast Track Tribunal was that the Claim be partially upheld, that the sending off offence and mandatory sanction be rescinded, that the cautionable offence of B1j) Shows a lack of respect for the game had been committed by the player, and that the appropriate sanction for that offence be imposed.
13. The determination of the Fast Track Tribunal is final and binding on all parties and is not subject to appeal.