

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Livingston FC**

**on behalf of**

**Jason Holt**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the evening of Thursday 29<sup>th</sup> December 2022 to deliberate this Claim.
2. In the 15<sup>th</sup> minute of the Scottish Premiership fixture; Hibernian FC v Livingston FC, played on Saturday 24<sup>th</sup> December 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 a written statement and video footage, plus 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 clearly made contact with the ball whilst no Hibernian FC player was in close proximity. The player's momentum from his sliding challenge saw the Hibernian FC player come into his path, with the player unable to stop his slide and the contact being unintentional. They submitted that there was no way the player could have known that the opponent would make a late movement to get the ball and he had no chance to react or stop his momentum from sliding in. The Manager's submission noted that the Referee was not advised to check the pitch side monitors and queried whether the VAR was used correctly, if at all, in reviewing the incident leading to the red card.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player had the ball played in front of him by a teammate. The player slid in to kick the ball and in doing so the player's lunging action ensured his follow through made contact with the opponent. He further added that the player landed with his studs and with a straight leg and made contact with the opponent's ankle. No attempt was made to withdraw from the challenge and it appeared there was a further extension of the leg towards the opponent. He believed that the challenge by the player endangered the safety of his opponent. He had a clear view of the challenge from 10 yards. He noted that he was in communication with the Video Assistant Referee, holding the player on the field of play until the VAR check was completed. He explained his reasoning for the red card to the VAR, and once confirmed that the VAR check was completed, he instructed the player to leave the field of play.
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 Referee's detailed report. It also considered the definition from Laws of the Game in relation to Serious Foul Play: (*ref IFAB Laws of the Game 2022/23*)

Jason Holt, Livingston FC

*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.*

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 multiple 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 whilst the player clearly wins the ball, his speed and intensity was such that he was not in control of his challenge which carried him forward into contact with the opponent, endangering his safety. The Referee clearly waited for the VAR check and was advised there was no requirement for an on- field review, contrary to the claimant's Manager's assertion.

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 multiple angle views of the incident. 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. He further consulted with the VAR who saw no requirement for an on-field review.

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.