

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Hamilton Academical FC**

**on behalf of**

**Ben Williamson.**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 17<sup>th</sup> January 2024 to deliberate this Claim.
2. In the 55<sup>th</sup> minute of the Scottish League One fixture between Hamilton Academical FC and Cove Rangers FC, played on Saturday 13<sup>th</sup> January 2024, 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 written statements from the club and player, still photographs, and clips of video footage of the incident.
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 not opinion, 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 Serious Foul Play offence. They claimed that the Referees' view of the challenge was obstructed, the player did not lead with a straight leg nor with studs showing in the challenge, and the contact was not on the opponents' shin. They submitted that the ball was in open play, and the player was favoured in reaching it ahead of the opponent who they contended was travelling at greater speed. They believed that the player's leg was bent and studs were towards the ground at the point of impact. The player himself felt he had been kicked on the side of the foot by his opponent, and he did not enter the challenge with his studs up. They disputed the relevance and timings of the Referee's report regarding the amount of time it took for the opponent to receive treatment after the incident, and noted he continued for the rest of the game unhindered.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player was running at speed and propelled himself in a lunging motion at the opponent, leading with his studs, with his sole and studs making contact above the ankle area with excessive force, and this endangered the safety of his opponent. He deemed this to be Serious Foul Play. He therefore sent the player off.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal from two different angles. They also carefully considered the written submission from the Claimant, player, and the Referees report. They also considered the definition from Laws of the Game in relation to Serious Foul Play: (*ref IFAB Laws of the Game 2023/24*)

*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 Claimant was unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the video evidence submitted by the Claimant, the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred. The Referee was close enough to the incident to judge the speed and intensity of the challenge. The video evidence from two angles did not show if studs made contact or not, but given the speed and intensity, there was enough in the challenge to endanger the opponent's safety. The Fast Track Tribunal did not agree with the Claimant's submission that the Referees view was obstructed and neither the video evidence confirm this. The still photos submitted were of no evidential benefit in determining if there was an Obvious Refereeing Error or not.

The Fast Track Tribunal failed to see the relevance of the length of time noted in the Referee's report on the opponent receiving treatment, nor the Claimant's counter to that. The video evidence presented, it was noted, did not relate to this period but nevertheless it was irrelevant in determining if the Serious Foul Play offence occurred and whether the Referee made an Obvious Error.

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 two angled view of the incident, both in real time and slow motion, and 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. It was not clear, nor easily perceived, that the Referee had made an Obvious Error in his decision.

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.