

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Falkirk FC

on behalf of

Charlie Telfer

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 18 December 2019 to deliberate this Claim.
2. In the 15th minute of the fixture between Falkirk FC v Raith Rovers FC on 14 December 2019, the Player, Mr Telfer, was dismissed from the field of play by the Referee for 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 a written submission.
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 display studs, there was no malice or intent, no violence or use of brute force'. They further submitted that 'although the challenge was admittedly mistimed and reckless, it was not malicious nor was it excessively high'.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. At the time he noted that the opponent had control of the ball, turning away from Mr Telfer and was violently and with excessive force kicked from behind and to the side, with contact made around the knee area. This caused the opponent to fall. He submitted that there was no challenge for the ball, as it was approx. one metre away from Mr Telfer and was not within playing distance. The referee noted he was approx. two metres from the incident with a clear view and his opinion was it clearly constituted violent conduct as Mr Telfer used excessive force and brutality when not challenging for the ball.
7. The Fast Track Tribunal viewed 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:

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 was made.

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 video evidence submitted by the it was clear to the Fast Track Tribunal that there was a clear and deliberate movement of Mr Telfer's foot towards his opponent's knee area, which demonstrated he used excessive force against an opponent when not challenging for the ball. This met the definition of excessive force, as provided in the Glossary in IFAB Laws of the Game, of using more force/energy than is necessary.

The Tribunal did not accept the claimant had demonstrated that the referee had made an obvious refereeing error in dismissing the player for violent conduct for this incident.

It was absolutely clear to the Tribunal from video submitted that there was a kick, from behind, by Mr Telfer, where he struck the opponent and caused him to fall. Furthermore they agreed with the referee that there was excessive force towards his opponent when not challenging for the ball.

8. For a claim to be successful as per the JPP Annex K, section 10.10.4 the 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 Tribunal noted that the referee was close to the incident, had a clear and unobstructed view and had no hesitation in determining at the time that this was a red card offence. Indeed, they noted that the referee had a clearer view of the incident than perhaps was afforded by the video evidence which showed the incident from behind the opposing player, whilst he was looking directly at it.

Based on this the 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.

9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and mandatory sanction should stand.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.