

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Newtongrange Star FC

on behalf of

Christopher Robertson

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 29th September 2021 to deliberate this Claim.
2. In the 90th minute of the Scottish Cup fixture between Dalbeattie Star FC and Newtongrange Star FC on Saturday 25th September 2021, the player 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 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 Referee's interpretation of the event was incorrect and that particularly the player had not raised his hands to a Dalbeattie Star FC staff member.
6. The Referee provided a statement explaining the act and indicating that the player had thrown both hands at the Dalbeattie Star FC team member.
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 been partially successful in demonstrating that an Obvious Refereeing Error had occurred.
9. The Determination of the Fast Track Tribunal was that the Claim be partially upheld, and the sending off offence be rescinded. The Fast Track Tribunal consider that there was a cautionable offence being B1I – Commits any other offence(s) deemed by a Match Official to be unsporting behaviour. The Fast Track Tribunal determined that the cautionable offence is substituted for the red card dismissal.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.