

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Dumbarton FC (the Club)

on behalf of

Brett Long (the Player); together “the Claimants”

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 10 December 2024 to deliberate this Claim.
2. In the 71st minute of the William Hill League 1 fixture between Stenhousemuir FC and Dumbarton FC on 7 December 2024, the Player was dismissed from the field of play by the Referee for 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. The Club also submitted video footage of what it considered to be a comparable incident from the match, but that was not punished by the offending player being dismissed from the field of play.
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 Claimants’ submission was that the Player initiated contact with an opponent with negligible force that did not meet the threshold for either excessive force and/or brutality. It referenced an incident involving the Stenhousemuir #10 from the same match that it felt was comparable, but where the Stenhousemuir #10 was not dismissed from the field of play.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. The Referee described his view that the Player intentionally struck an opponent in the head with his hand. He went on to explain that the Player struck his opponent in the head with more than negligible force, therefore meeting the criteria for Violent Conduct.
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, which is 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.

In addition, a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible.

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had UNSUCCESSFULLY demonstrated that an Obvious Refereeing Error had OCCURRED. The Fast Track Tribunal considered that the Player deliberately made contact with an opponent's head using his hand in a manner where the force used was more than negligible. Further, the Fast Track Tribunal did not consider that the incident involving the Stenhousemuir #10 was properly comparable. That particular incident involved a push to the chest. The Fast Track Tribunal noted that the second element of the Violent Conduct definition specifically relates to a strike to the head or face and therefore this element of the definition was not applicable to the other incident.
9. The Determination of the Fast Track Tribunal was that the Claim be DISMISSED and the sending off offence and original sanction should be REIMPOSED. With the Claim having been dismissed, the Fast Track Tribunal considered whether the Claim fell within the scope of Rules 11.9.37 and 11.9.38 of the Judicial Panel Protocol such that an additional match suspension should be imposed. The Fast Track Tribunal considered that the Claim DID NOT fall within the scope of these rules and, as such, an additional match suspension was NOT IMPOSED.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.