

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Greenock Morton FC

on behalf of

Jai Quitongo

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the evening of Tuesday 12th July 2022 to deliberate this Claim.
2. In the 45th minute of the Premier Sports Cup fixture; Greenock Morton FC v Falkirk FC, played Saturday 9th July 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 video footage of the incident in question, a written submission from the Club Secretary, plus statements from the club Manager and 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 should not have been red carded. They contended that the player only made contact with the opponent due to the brisk movement of the Falkirk FC defender which caused the player to collide with the opponent. They stated that it was only due to the change of footing by the opponent when clearing the ball that the player collided with the opponent. They further emphasised that the Assistant Referee's view point was not clear and he should not have been consulted. They disagreed with his submission that the players studs were raised and that contact was higher than the ankle. They submitted that the contact was not made with malicious intent and could be penalised with a cautionable offence.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player ran at speed towards his opponent and made contact with his planted leg with force. He consulted with his Assistant Referee who had a different angle view of the incident. The Assistant Referee confirmed that the player had made contact on the leg of the opponent, with a straight leg, studs, and with excessive force. They both concluded that the overall force and intensity involved in the challenge was excessive and therefore the challenge by the player endangered the safety of his opponent.
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 Referees 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)*

*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.

Jai Quitongo, Greenock Morton FC

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 Claimant from three different angles the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred. They noted that both the Referee and Assistant Referee had clear and uninterrupted direct views of the incident, with the Referee only a few yards away from the challenge.

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 from three angles of the incident and were able to view these in real time and in slow motion. This clearly showed that the opponent cleared the ball before the player's challenge. His momentum was such that he was unable to stop his challenge and endangered his opponent with excessive force.

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.