

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Annan Athletic FC**

**on behalf of**

**Owen Moxon**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Tuesday 27th April 2021 to deliberate this Claim.
2. In the 58th minute of the Scottish League Two fixture between Albion Rovers FC and Annan Athletic FC on Saturday 24th April 2021, the Player was dismissed from the field of play by the Referee for 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 showing the incident in question, additional video footage from the match between Kilmarnock FC and St Mirren FC on Monday 26th April 2021, 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 Player was attempting to take the ball down as it came over his shoulder, he raised his right leg at the same time as the opponent jumped for a header and on seeing the opponent, the Player attempted to pull out of the challenge. At no time was his leg straight in an aggressive manner and there was no intent to injure the opponent. The Player stated that his challenge was clumsy but not intentional.
6. The Referee provided a statement explaining the act which he decided was Serious Foul Play in that when challenging for the ball, the Player endangered the safety of his opponent. When challenging for the ball, the contact made with the opponent was high with his studs making contact with the opponent in the hip region whilst the opponent was off the ground to header the ball.
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 Serious Foul Play. The Fast Track Tribunal also decided unanimously not to view the additional video footage of the Kilmarnock FC v St Mirren FC match submitted by the Club in support of their Claim, being of the view that this was irrelevant to the Claim being adjudicated upon.
8. Having considered all the evidence, the Fast Track Tribunal decided unanimously that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. The Fast Track Tribunal considered that the Referee had a clear view of the incident and that the video evidence supported entirely his view that the Player had endangered the safety

of the opponent by his high challenge on an opponent who was in the air, with the Player making contact at hip height with his studs.

9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be re-imposed.
  
10. The Fast Track Tribunal further considered that this Claim fell to be dealt with under Paragraph 13.13.8.1 and Determined that this Claim had no prospect of success in terms of Paragraph 13.13.8.1.1, and was frivolous in terms of Paragraph 13.13.8.1.3, and accordingly in terms of Paragraph 13.13.8.2, an additional suspension of one match be imposed.
  
11. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.