

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Clyde FC (“the Club”)**

**on behalf of**

**David Goodwillie (“the Player”)**

1. These are the written reasons for the Determination made by a Fast Track Tribunal (“the Tribunal”), which convened on 25<sup>th</sup> September 2019 to determine this Claim.
2. In the 28<sup>th</sup> minute of the Scottish League One fixture between Peterhead FC and Clyde FC, on 21<sup>st</sup> September 2019, the Player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by the Laws of the Game. The dismissal resulted from the Player’s collision with the Peterhead FC Player number 17.
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the Player. In support of the Claim, the Claimant submitted video footage showing the incident in question, as well as a written Submission and a Statement from the Manager, Danny Lennon.
4. In summary, the Claimant’s submission was that the Player was not violent in his conduct towards the Peterhead FC Player number 17, and that he tried to take avoiding action before colliding with that Player. The Claimant submitted that there was no malicious intent in the Player’s actions and that the incident occurred as a result of two committed players both trying to win the ball.
5. The Referee provided a statement confirming the act which he decided was violent conduct. The Referee confirmed that he dismissed the Player for violent conduct because following the Peterhead FC Player number 17 having headed the ball clear, the Player, with no opportunity to play the ball, deliberately jumped into the Peterhead FC Number 17 Player leading with his forearm and striking his opponent in the face with excessive force.
6. In order for a Claim of Wrongful Dismissal to be upheld the Tribunal must be satisfied, on a balance of probabilities, that Referee made an obvious refereeing error in dismissing the Player.
7. An obvious refereeing error, as stated in Annexe F to the Judicial Panel Protocol 2019/20, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.

8. In IFAB Laws of the Game violent conduct is defined 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.”

9. The Tribunal viewed all of the video footage of the incident, supplied by the Claimant, and carefully considered the Claimant's written Submission and the Statement of their Manager. Having done so, the Tribunal found that the Player did move and collide with the Peterhead FC Player number 17, leading with his forearm and striking the Peterhead FC Player in the face with excessive force, after the Peterhead Player had headed the ball clear.
10. The Tribunal further found that the Referee was well positioned to see the challenge and make his decision.
11. Accordingly, and on a balance of probabilities, the Tribunal found that the Referee had not made an obvious refereeing error in concluding that the Player's actions in moving and colliding with the Peterhead FC Number 17 Player, with excessive force, constituted violent conduct. The Referee's conclusion and decision to dismiss the Player for violent conduct was not a clear, self-evident or easily perceived error.
12. Therefore the Determination of the Tribunal was that the Claim be dismissed and that the sending off offence, and mandatory sanction, be re-imposed.
13. The Tribunal also determined that the Claim was not frivolous, an abusive process, a delaying tactic or without prospect of success, having had regard to Paragraph 13.13.8 of the Protocol.
14. The Determination of the Tribunal is final and binding on all Parties and is not subject to appeal.