

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Dunfermline Athletic FC

on behalf of

Kevin O'Hara

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 26th April 2023 to deliberate this Claim.
2. In the 72nd minute of the Scottish League One fixture between Airdrieonians FC and Dunfermline Athletic FC on Saturday 22nd April 2023, the player was dismissed from the field of play by the Referee for A1 – Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal 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. 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 A1 – Serious Foul Play.
6. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred.
7. 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 with immediate effect.
8. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.