

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Dundee FC

on behalf of

Josh Mulligan

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 27th September 2023 to deliberate this Claim.
2. In the 34th minute of the Scottish Premiership fixture between Dundee FC and Kilmarnock FC on Saturday 23 September 2023, the player was dismissed from the field of play by the Referee for A2 - 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.
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 made a challenge for the ball and that there was neither excessive force nor brutality, and therefore a charge of A2 - Violent Conduct could not stand.
6. The Referee provided a statement explaining the act which he decided was A2 - Violent Conduct, was a challenge by the player on his opponent, and not a challenge for the ball, and that excessive force was used.
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 A2 - Violent Conduct.
8. Having considered all the evidence, the Fast Track Tribunal decided, by a majority, that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred, as the player had made a challenge on his opponent with excessive force, with no prospect of getting the ball, which had already been played away by the opponent.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed, and the sending off offence and the original sanction of a red card for A2 – Violent Conduct be re-imposed.
10. The Fast Track Tribunal ruled that this case did not fall to be dealt with under the terms of Paragraph 13.21.8.1.

11. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.