

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Musselburgh Athletic FC

on behalf of

Bradley Whyte

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 22nd December 2021 to deliberate this Claim.
2. In the 87th minute of the East of Scotland Premier Division fixture between Musselburgh Athletic FC and Linlithgow Rose FC on Saturday 18th December 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 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 had not committed Serious Foul Play, he had committed a foul on the opponent but that there was no endangerment nor brutality involved but suggested that the challenge merited a caution only.
6. The Referee provided a statement explaining the act which he decided was Serious Foul Play. He stated that the player endangered the safety of the opponent due to the point of contact and the speed of the challenge.
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.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. The Fast Track Tribunal were of the unanimous view that Serious Foul Play had not occurred in that the safety of the opponent had not been endangered.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded, and a lesser sanction of a caution be imposed for offence B1(g) for stopping a promising attack.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.