

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Caledonian Braves FC

on behalf of

Marc Kelly

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of 6th Jan 2023 to deliberate this Claim.
2. In the 90th minute of the Lowland Football League fixture between Caledonian Braves FC v Open Goal Broomhill FC on 31st Dec 2022 the Player, Mr Kelly, 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 a written statements from the Player and Club Manager.
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 did not commit an act of violent conduct in that the Player tried to take a quick throw, after his opponent had initially jumped in front of him and put hand up to prevent the throw. The Player stated that in his attempt to throw the ball along the line to a teammate, he struck his opponents head with the ball unintentionally.
6. The Referee provided a statement explaining the act which he decided was violent conduct. At the time he noted that the opponent had attempted to prevent a throw in by putting his arm in the air. He noted the Player looking angrily towards his opponent and immediately reacted by throwing the ball with excessive force causing it to strike the back of the opponents head from less than two yards. This caused the opponent to stumble. He stated that the Player could easily have thrown the ball over the opponent instead of directly at him, and it was clear to him this was a deliberate act which showed no consideration for the safety of the opponent.
7. The Fast Track Tribunal viewed 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 violent conduct: *(ref IFAB Laws of the Game Glossary 2. Football Terms)*

Violent Conduct is an action, which is not a challenge for the ball, which uses or attempts to use excessive force or brutality against an opponent, or when a player deliberately strikes someone on the head or face unless the force used is negligible.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were UNSUCCESSFUL in demonstrating that an Obvious Refereeing Error had OCCURRED

STATE REASON WHY IN BRIEF FOR THIS DETERMINATION.

Having reviewed the video evidence submitted by the Claimants it was clear to the Fast Track Tribunal that there was a clear opportunity for the Player to throw the ball over the opponent and that the ball did indeed strike the opponent on the back of his head from close distance with sufficient force to make him stumble.

The panel did not accept the Claimant had demonstrated that the referee had made an obvious refereeing error in dismissing the player for violent conduct for this incident.

STATE REASONS TO SUPPORT DETERMINATION.

It was absolutely clear to the Tribunal from video submitted that there was a clear throw of the ball at the opponent from close distance. Furthermore, they agreed with the referee that there was opportunity to the Player to play the quick throw over his opponent along the line.

For a claim to be successful as per the JPP Annex K, section 10.10.4 the FTT must be satisfied that it is more likely than not, in all of the circumstances of the Case, that an obvious refereeing error has occurred. That is the error is 'clear, self evident or easily perceived' (*glossary JPP*).

The Tribunal noted that the referee was close to the incident, had a clear and unobstructed view and had no hesitation in determining at the time that this was a red card offence. Indeed, they noted that the referee had a clearer view of the incident than was afforded by the video evidence which showed the incident from some distance.

Based on this the Tribunal were unanimous that the claimant failed to demonstrate in their submission that the referee had made an obvious error resulting in the wrongful dismissal of the player.

The Determination of the Fast Track Tribunal was that the Claim be DISMISSED and the sending off offence and mandatory sanction should STAND.

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