

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Name of Club (the Club) Lothian Thistle Hutchison Vale FC

on behalf of

Name of Player (the Player) Sean Cumming

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 11 November 2020 to deliberate this Claim.
2. In the 42nd minute of the East of Scotland Premier Division fixture between Lothian Thistle Hutchison Vale FC and Sauchie Juniors FC on 7 November 2020 the Player was dismissed from the field of play by the Referee for 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 raised his arm to protect himself from facial damage by the opponent whose arm was high and close to his face. At no time did he use a clenched fist or perform a punching motion or use excessive force or brutality.
6. The Referee provided a statement explaining the act which he decided was violent conduct stating that the Player swung his right arm at the opponent with an open palm which closed into a fist as it got closer to the opponent and punched him with a closed fist in the shoulder area. The use of the fist was deemed to be violent conduct due to using excessive force and brutality.
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 Violent Conduct.
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 Tribunal being of the view that there was no evidence of any punching motion or use of a fist and that there was no excessive force or brutality in the incident viewed.
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of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.