

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

**Buckie Thistle FC**

**on behalf of**

**Darryl McHardy**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of 5<sup>th</sup> February 2025 to deliberate this Claim.
2. In the Highland Football League fixture between Banks O’Dee v Buckie Thistle FC played on 1<sup>st</sup> February 2025 the Player was dismissed from the field of play in the 90<sup>th</sup> +1 minute by the Referee for A2d: Violent Conduct; elbowing opponent
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 statement from the Club and Player.
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 not opinion, 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. They argued that the Player was challenging for the ball whilst it was in the air with his eyes on the ball and not his opponent throughout its flight. They submitted there was no intention to deliberately elbow the opponent and that the Player’s elbow was in a natural position jumping for the ball. They argued that the elbow was not thrown at, nor used as a ‘weapon’ against the opponent. They stated that the video evidence showed that the Opponent immediately bounced back from the ground rather than the referee’s report stating he was on the ground for some moments after the challenge.
6. The Referee provided a statement explaining the act which he decided was violent conduct. He stated that the Player was challenging for the ball in the air and swung his elbow with excessive force making contact with his opponent’s head. He noted that the opponent was on the ground for some moments and continued without treatment.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimant. 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 **PARTIALLY SUCCESSFUL** 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 the Claimants submission supported their view that the referee made a clear and obvious error.

### **STATE REASONS TO SUPPORT DETERMINATION.**

It was clear to the Tribunal from video submitted that there was no excessive force or brutality in the challenge and that the Player did not deliberately strike his opponent on the head with his elbow. His actions were one where he was jumping for the ball. They believed though that the challenge was reckless as there was no consideration given to his opponents safety and therefore downgraded the foul to a yellow card offence of B1c – reckless challenge.

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*).

Based on this the Tribunal were unanimous that the claimant had demonstrated that the referee made an obvious error.

The Determination of the Fast Track Tribunal was that the Claim be UPHELD and the sending off offence be rescinded and be replaced with a yellow card on the players record for B1c.

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