

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL CAUTION CLAIM BROUGHT BY:

Arbroath FC (the Club)

on behalf of

Michael McKenna (the Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on Wednesday 6 March 2019 to deliberate this Claim.
2. In the 81st minute of the SPFL League 1 fixture between Dumbarton FC and Arbroath FC, on 2 March 2019, the Player was cautioned by the Referee for B1k - simulation.
3. The Claimants submitted a Claim of Wrongful Caution 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 Caution 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 cautioning the Player.
5. In summary, the Claimant's submission was that the Player was in control of the ball and was barged by the defender, who also used his hands to push him over. They submitted there was an obvious refereeing error.
6. The Referee provided a statement explaining he had a clear view and that the Player initiated the contact with the defender and exaggerated the fall. This led to the caution for simulation.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimant. It also considered the definition from the Laws of the Game in relation to Simulation.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed, the cautionable offence be recorded, and the sanction as a result should be reimposed. The Fast Track Tribunal decided by a majority, with the Chair dissenting.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.