

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Dunbar United FC

on behalf of

Jamie Devlin

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 3rd November 2021 to deliberate this Claim.
2. In the 43rd minute of the Scottish Cup fixture between Lothian Thistle Hutchison Vale FC and Dunbar United FC on Saturday 30th October 2021, the player 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 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 did not commit an act of Violent Conduct. The opposing player tripped/stumbled, and rolled into the player wrapping himself around the player's lower legs, and whilst there was contact there was no act of Violent Conduct.
6. The Referee provided a statement explaining the act which he decided was violent conduct. He stated that the opponent came into contact with the player when his momentum from an earlier challenge caused him to roll into the player, who was not involved in the earlier contact. He stated that the player made a clear stamping motion with the sole of his boot, with his studs making clear contact with the opponent on the ground. He was in no doubt that the action was deliberate.
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 been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. The Fast Track Tribunal were unanimously of the view that the player had committed an act of Violent Conduct by stamping on his opponent whilst the opponent was lying on the ground.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be re-imposed. The Fast Track Tribunal took the view that the Claim was not frivolous and did not fall to be dealt with under paragraph 13.13.8 of the Judicial Panel Protocol.

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