

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Formartine United FC

on behalf of

Matthew McLean

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the evening of Tuesday 17th September 2024 to deliberate this Claim.
2. In the Highland Football League fixture between Formartine United FC v Inverurie Loco Works FC played on Saturday 14th September 2024, 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 a written statement.
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 there was a normal reaction to an act of simulation by an opponent which had resulted in a free kick in the box for Formartine United FC. They submitted that the opponent was bumped into by another Formartine United FC player, not Mr McLean, and that Mr McLean had attempted to intervene by taking the opponent by his shoulders to usher him away, but the opponent fell over after a collision with this other Formartine United FC player. The club claimed Mr McLean's hands were on the shoulders, and not the neck of the opponent, and he had not committed a brutal act in the incident. They also submitted that the Referee could not clearly see Mr McLean as there were other players in the way, and that their video footage supported their claims.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. He stated that he clearly saw Mr McLean grab the opposing player by the back of the neck in an act of brutality, and aggressively pulled him to the ground whilst in a crowd of players.
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 unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the video evidence submitted by the Claimants, it was not at all clear to the Fast Track Tribunal that the Claimants submission supported their view that the Referee made a Clear and Obvious Error.

It was clear to the Fast Track Tribunal from video submitted that there was a clear foul on the opponent that was not a challenge for the ball, whilst the force used was excessive and/or brutal. They could not determine, given the quality of the footage and distance from the incident, whether the player pulled the opponent by the neck, and if the opponent had been collided into by another Formartine United FC player or not. They did note though that the Referee was clearly in a position to determine who was involved at the time, and had no hesitation in identifying and issuing the red card to Mr McLean when the opponent was brought to ground.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal 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 Fast Track Tribunal were unanimous that the Claimant had not demonstrated that the Referee, with the benefit of a clear, uninterrupted view from close range, made an Obvious Error. It was neither clear, self evident, or easily perceived on multiple reviews of the incident, that the Referee had made an error.

The Determination of the Fast Track Tribunal was that the Claim be dismissed, and the sending off offence and mandatory sanction should be re-applied.

The Fast Track Tribunal did not believe this to be a frivolous Claim, as considered under section 15.9 of the JPP, therefore no further sanction has been imposed.

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