

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Bo'ness Athletic FC**

**on behalf of**

**Godwin Kangni-Soukpe.**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Tuesday 12th December 2023 to deliberate this Claim.
2. In the 41<sup>st</sup> minute of the East of Scotland Second Division fixture between Dalkeith Thistle FC and Bo'ness Athletic FC on Saturday 9th December 2023, 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 reacted to the opponent, who purposely stood heavily onto the player's left foot. The player's reaction is one of petulance. His reaction was a mere flick of the Dalkeith Thistle FC player's right foot and not a "kick of an opponent at shin height" (as stated in the Referee's statement). Furthermore, this flick of the boot is not in any way, shape or form, an act that falls within the realms of excessive force or brutality against an opponent as defined within the Laws of the Game.
6. The Referee provided a statement explaining the act which he decided was A2 - Violent Conduct occurred when the player kicked an opponent at shin height.
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 A2 - 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 action of the player did not meet the criteria for A2 - Violent Conduct in terms of the Laws of the Game as the player did not use, or attempt to use excessive force or brutality against the opponent when not challenging for the ball.
9. The Determination of the Fast Track Tribunal was that the Claim be partially upheld and the sending off offence and original sanction should be reduced to the lesser sanction of a cautionable offence for B1I - Commits any other offence(s) deemed by a match official to be unsporting behaviour.

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