



## **WRITTEN REASONS OF THE FAST TRACK TRIBUNAL**

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

**Queen of the South F.C. ("the Claimant")**

**on behalf of**

**Rhys McCabe ("the Player")**

1. These are the written reasons for the determination made by a Fast Track Tribunal ("the Tribunal"), which convened on Wednesday 17<sup>th</sup> March 2021 to determine this Claim.
2. In the 85<sup>th</sup> minute of the Scottish Championship fixture between Queen of The South FC and Alloa Athletic FC, on Saturday 13<sup>th</sup> March 2021, the Player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by the Laws of the Game. The dismissal resulted from an incident involving the Player and the Alloa Athletic FC player, number 23.
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the Player. In support of the Claim, the Claimant submitted video footage showing the incident in question as well as a written Submission.
4. In summary, the Claimant's submission was that the Player did not use excessive force and did not strike his opponent's head with his elbow when trying to shrug off his opponent.
5. The Referee provided a Statement confirming the act which he decided was Violent Conduct. The Referee stated that he dismissed the Player for Violent Conduct because the Player had lashed out with his left arm and, using excessive force, and had made contact with the side of his opponent's head with his elbow.
6. In order for a Claim of Wrongful Dismissal to be upheld the Tribunal must be satisfied, on a balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the Player.
7. An Obvious Refereeing Error, as stated in Annexe F to the Judicial Panel Protocol 2020/21, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.
8. In IFAB Laws of the Game, Violent Conduct is defined as follows:-

“Violent Conduct is when a Player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made.”

9. The Tribunal considered all of the available evidence. The Tribunal viewed the video footage and carefully considered the Claimant’s written Submission and the Statement of the Referee. Having done so, the Tribunal found, on a balance of probabilities, that the Player did not use excessive force against his opponent, and did not strike the latter’s head with his elbow. The Tribunal found that in the incident the Player had pushed his opponent, as he sought to continue with play and take a throw in, and, accordingly, had committed the offence B1f) Holds or pushes an opponent.
10. The Tribunal had the benefit of, and placed particular reliance upon, the video footage which clearly showed the incident.
11. Accordingly, and on a balance of probabilities, the Tribunal found that the Referee’s conclusion and decision to dismiss the Player for Violent Conduct was a self-evident error and that the Player, by his actions, had in fact committed the cautionable offence of B1f) Holds or pushes an opponent.
12. Therefore the determination of the Tribunal was that the Claim be upheld in part, that the sending off offence, and mandatory sanction, be rescinded, that the cautionable offence of B1f) Holds or pushes an opponent had been committed by the Player, and that the appropriate sanction for that offence be imposed.
13. The determination of the Tribunal is final and binding on all Parties and is not subject to appeal.