

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Camelon Juniors FC

on behalf of

Declan Fitzpatrick.

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 29th November 2023 to deliberate this Claim.
2. In the 50th minute of the East of Scotland Division fixture; Kirkcaldy & Dysart FC v Camelon Juniors FC, played on Saturday 25th November 2023, the player was sent off for A1: Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted written statements from the player and clips of video footage of the incident.
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 had not committed a Serious Foul Play offence. The player noted that he made contact with the ball and not his opponent's ankle, there was no evidence he left the ground, nor any intent to lunge at opponent, and he did not use excessive force in the challenge to win the ball.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that at the time of the offence he had determined that the player had taken a heavy touch, lunged into the tackle leaving the ground, made contact with the ball before endangering the safety of the opponent by making contact on the ankle of the opponent. He therefore believed this to be a Serious Foul Play offence as the challenge was made with excessive force and endangered the safety of the opponent.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal from a single angle. They also carefully considered the written submission from the Claimant, club parties, and the Referees report. They also considered the definition from Laws of the Game in relation to serious foul play: *(ref IFAB Laws of the Game 2023/24)*

A tackle or challenge that endangers the safety of the opponent or uses excessive force or brutality must be sanctioned as serious foul play.

Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of serious foul play.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were partially successful in demonstrating that an Obvious Refereeing Error had occurred.

Declan Fitzpatrick, Camelon Juniors FC

Having reviewed the video evidence submitted by the Claimant the Fast Track Tribunal agreed that the challenge was reckless rather than endangering the opponent. It was clear that he made contact with the ball and had not lunged into the challenge with excessive force.

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*).

The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident, both in real time and slow motion, and were unanimous that the Claimant had demonstrated in their submission that the Referee had made an obvious error resulting in the wrongful dismissal of the player.

The Determination of the Fast Track Tribunal was that the Claim be partially upheld, and the sending off offence and mandatory sanction should be rescinded, and be replaced with a yellow card offence of B1c: Recklessly tackles or challenges an opponent.

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