

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Aberdeen FC**

on behalf of

**Graeme Shinnie**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Tuesday 18<sup>th</sup> April 2023 to deliberate this Claim.
2. In the 93<sup>rd</sup> minute of the Scottish Premiership fixture between Ross County FC and Aberdeen FC on Friday 14<sup>th</sup> April 2023, the player was dismissed from the field of play by the Referee 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 both video footage and annotated photographs showing the incident in question, in addition to 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 written submission was that the player pivots and chases down the loose ball, and prepares to make contact with it, which is at the time no way near to his opponent. He does not lunge in any shape or form, does not engage in any tackle, and makes a clean and successful effort to challenge for the ball, with his eyes remained fixed on it and his foot maintaining a natural position throughout. It was submitted that the player made contact with the bottom of the ball, did not use excessive force, and at no point has endangered the safety of his opponent, especially as he bends his knee to avoid a follow through and full-on contact. It was further submitted that the player's right foot continued in that natural forward motion after contacting the ball, which was deflected off his opponent's leg. It was also emphasised that the Referee had an unobstructed view of the incident and would have seen the mechanics of it. Finally, the Fast Track Tribunal was invited to accept that the opponent's movements directly influenced the player's, and as such resulted in the incident before the Fast Track Tribunal.
6. The Referee provided a statement explaining the act which he decided was an A1 – Serious Foul Play offence for the tackle determined to endanger the safety of an opponent.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submission from the Claimant. It also considered the definition from Laws of the Game in relation to Law 12.
8. Having considered all the evidence, the Fast Track Tribunal decided, unanimously, that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred, and that the Claim should be Dismissed.

9. The Fast Track Tribunal also decided, unanimously, that having considered all the evidence and submissions before it that the Claimants had No Prospect of Success under JPP Rule 13.21.8.1.1. The decision was unanimous that based on the evidence presented, the manner of how it was presented and especially suggesting the opposing player's actions resulted in the incident, the prospects of success of the Claim did not stack up. The Fast Track Tribunal could not reasonably deduce from the evidence presented, that the opposing player was not endangered by the player's actions as submitted. To do so, was entirely unreasonable and implausible. It was also unanimously rejected that the player did not lunge, did not use excessive force, and was in control of his movement on the evidence presented. For those reasons, we felt that the Claim had no prospect of success.
  
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.