

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Kilmarnock FC (the Club)

on behalf of

Gary Dicker (the Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 29 August 2018 to deliberate this Claim.
2. In the 67th minute of the SPFL Premiership fixture between Kilmarnock FC and Heart of Midlothian FC on 25 August 2018 the Player was dismissed from the field of play by the Referee for A1 offence of 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 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 Claimants' submission was that the Player made a genuine attempt to win the ball and that the challenge did not result in his studs making contact with both ankles. The submission was made that the video evidence re-enforces that the Player approached the ball in a side on manner and reached the ball in a controlled fashion before the opponent. Whilst the opponent subsequently attempted to drag the ball towards him, the Player's forward momentum unintentionally takes him towards the opponent thus resulting in the opponent ultimately landing on the Player's mid-drift. It was asserted that the opponent's right leg then remains on the ground until he falls on the top of the Player. On this basis, the Club are therefore of the opinion that the dismissal should be rescinded.
6. The Referee provided a statement explaining the act which he decided was Serious Foul Play.
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 Serious Foul Play which states: A tackle or challenge that endangers the safety of an 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, from the side or from behind using one or both legs, with excessive force or endangers the safety of an opponent is guilty of serious foul play.

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. The definition of an Obvious Refereeing Error requires that an error be clear or self-evident or easily perceived and that was not established by the video evidence.

9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and mandatory sanction should be the original sanction being re-imposed. They did not consider that the lodging of the claim was in any way frivolous or an abuse of process or that it had no reasonable prospect of success.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.