

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Aberdeen FC (the Claimant)

on behalf of

Michael Devlin (the Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal ("the Tribunal"), which convened on 5th September 2018 to determine this Claim.
2. In the 4th minute of the Scottish Premiership fixture between the Claimant, Aberdeen FC, and Kilmarnock FC on 1st September 2018 the Player was dismissed from the field of play by the Referee for A4: Denying the opposing team or an opponent a goal or an obvious goal scoring opportunity as defined by Law 12.
3. The Claimant submitted a Claim of Wrongful Dismissal on behalf of the Player. In support of this Claim, the Claimant submitted video footage showing the incident in question as well as a written submission.
4. 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.
5. In summary, the Claimant's submission was that there was negligible contact between the Player and the opponent player, the Kilmarnock FC No 25, the latter sought to initiate contact with the Player by unnatural movement of his leg, and the incident happened some distance from the Claimant's goal the that the Kilmarnock FC No 25 was attacking.
6. The Referee provided a statement confirming the act which he decided was Denying the opposing team or an opponent a goal or an obvious goal scoring opportunity.
7. The Tribunal considered the meaning of "Obvious Refereeing Error", as stated in Annex F to the Judicial Panel Protocol 2018-19, being an error at a match by a referee or a match official which is clear or self-evident, or easily perceived.
8. The Tribunal also considered the definition from Laws of the Game in relation to Denying the opposing team or an opponent a goal or an obvious goal scoring opportunity, as follows:
 - Where a Player denies the opposing team a goal or an obvious goal-scoring opportunity by a deliberate handball offence the player is sent off wherever the offence occurs.
 - Where a Player commits an offence against an opponent within their own penalty area which denies an opponent an obvious goal-scoring opportunity and the referee awards a penalty kick, the offender is cautioned if the offence was an attempt to play the ball; in all other circumstances (e.g. holding, pulling, pushing, no possibility to play the ball etc.) the offending Player must be sent off.
 - A Player, sent off Player, substitute or substituted Player who enters the field of play without the required referee's permission and interferes with play or an opponent and denies the opposing team a goal or an obvious goal-scoring opportunity is guilty of a sending-off offence. The following must be considered:

- distance between the offence and the goal
 - general direction of the play
 - likelihood of keeping or gaining control of the ball
9. The Tribunal viewed the video footage of the incident, supplied by the Claimant, at different angles and in real time and in slow motion, and carefully considered the Claimant's written submission. Having done so, the Tribunal found that the Kilmarnock No 25 was getting ahead of the Player, and was in control of the ball and heading towards the Claimant's penalty area and goal when he was challenged by the Player. There were no other players on the field of play between the Kilmarnock FC No 25 and the Claimant's goalkeeper. The Tribunal found that the Player's contact with the Kilmarnock FC No 25 caused the latter to fall to the ground and prevented his progress with the ball towards the Claimant's goal and therefore denied him an obvious goal scoring opportunity. The Tribunal further found that the Referee was well positioned to see the challenge and make his decision.
 10. Accordingly, having considered all of the evidence, the Tribunal found, on a balance of probabilities, that the Referee had not made an Obvious Refereeing Error in concluding that the Player's challenge on the Kilmarnock No. 25 was one where the latter was denied an obvious goal scoring opportunity. The Tribunal further found, on a balance of probabilities, that the Referee's decision to dismiss the Player for denying the opposing team or an opponent a goal or an obvious goal scoring opportunity was not a clear, self-evident, or easily perceived error.
 11. Therefore the Determination of the Tribunal was that the Claim be dismissed and that the sending off offence and original sanction be re-imposed. The Tribunal further determined that the Claim was not frivolous, an abuse of process, a delaying tactic or without prospect of success, having had regard to 13.13.8 of the Judicial Panel Protocol 2018-19.
 12. The Determination of the Tribunal is final and binding on all Parties and is not subject to Appeal.