

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Rangers FC ("Club")

on behalf of

Alfredo Morelos ("Player")

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 8th February 2019 to deliberate this Claim.
2. In the 56th minute of the fixture between Aberdeen FC v Rangers FC on 6th February 2019 the Player, Mr Morelos, was dismissed from the field of play by the Referee for A2: Violent Conduct.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player Mr Morelos. In support of this Claim, the Claimant submitted video footage showing the incident in question, a written submission from the club, with still photos from the video footage, and a statement from the player regarding the incident leading to his dismissal.
4. In summary, the Claimant's submission was that the Player did not commit an act of violent conduct in that he did not use excessive force, it was not a strike, the contact was at the top of the leg and was not, as reported by the referee, the opponent's nether regions. They submitted that the force used in connecting with the upper leg of opponent was negligible and suggested that if any offence had occurred it was reckless conduct. They also submitted that the referee was a considerable distance from the incident and did not have a clear view.
5. The Referee provided a statement explaining the act which he decided was violent conduct because at the time he witnessed Mr Morelos, after challenging for the ball with opponent, kicking out at his opponent and making contact with his boot in his opponent's nether regions.
6. The Tribunal also reviewed broadcasted video footage submitted by the Judicial Panel Secretary of the incident leading to the player's dismissal. This video footage was also provided to the claimant.
7. 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.
8. The Fast Track Tribunal viewed 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 violent conduct: (*ref IFAB Laws of the Game p108/09 & p169*)

Violent Conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball. A player who when not challenging for the ball, deliberately strikes an opponent or another person on the head or face with the hand or arm is guilty of violent conduct unless force used was negligible. Brutality is further defined as an act which is savage, ruthless or deliberately violent.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred.

9. Having reviewed the video evidence submitted by the Judicial Panel Secretary and the Claimant (*see further comment below*), it was clear to the Fast Track Tribunal that there was a clear and deliberate movement of Mr Morelos foot towards his opponent's groin area which demonstrated he used excessive force against an opponent when not challenging for the ball. This met the definition of excessive force, as provided in the Glossary in IFAB Laws of the Game, of using more force/energy than is necessary. The Fast Track Tribunal did not accept the claimant had demonstrated that the referee had made an obvious refereeing error in dismissing the player for violent conduct for this incident.
10. The Fast Track Tribunal were provided with video evidence from two sources; the Claimant's Rangers FC YouTube footage from behind the goal and via the Judicial Panel Secretary of SkySport coverage of the match; both without commentary. The claimant's video evidence, although viewed on this occasion by the Tribunal, did not meet the criteria laid out in the Judicial Panel Protocol, *Annex K section 6.1* which clearly states that the Fast Track Tribunal must have the ability to view the acts or acts that are the subject matter of the claim in real time speed. The video evidence from the Claimant was only provided in 50% and 10% slow motion and not in real time. The Claimant also submitted still photographs from the video to support their narrative of the incident, again not affording the Tribunal an opportunity to review their own footage in real time. The SkySport video submitted by the Judicial Panel Secretary was more helpful in determining if the referee had, or had not, made an obvious refereeing error, as it showed the incident both in real time and in slow motion from different angles. It was absolutely clear to the Tribunal from this SkySport video that there was a deliberate movement of Mr Morelos foot towards his opponent's groin and there was excessive force towards his opponent when not challenging for the ball. The Claimant also submitted that the referee's view and from his angle was that excessive force was used but that he was considerable distance away from the incident and did not have the clear view afforded by video evidence to determine the force used. Annex K of the JPP section 8 notes *that a claim should not be based only upon criticisms of the referee, for example by seeking to prove that he acted in haste, or indecisively, or had a restricted or obstructed view. It will always be necessary for the Claimant separately from any such criticism to establish that the evidence illustrates that an Obvious Refereeing Error occurred.* The Tribunal noted that the claimant failed to establish that their submission illustrated an obvious refereeing error distinct from this criticism that the referee had a restricted or obstructed view.
11. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.