

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Kilmarnock FC ("Club")

on behalf of

Daniel Bachmann ("Player")

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on Friday 22nd February to deliberate this Claim.
2. In the 25th minute of the Scottish Cup fixture between Rangers and Kilmarnock FC on 20th February 2019 the Player was dismissed from the field of play by the Referee for Violent Conduct.
3. The Club 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 Claimant's submission was that the Player did not commit an act of Violent Conduct and that the Referee had made a mistake.
6. The Referee provided a statement explaining the act, which he decided was Violent Conduct.
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 Violent Conduct which states:

Violent conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made.

In addition, a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible.

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants (club and player) had successfully demonstrated that an Obvious Refereeing Error had occurred. The Tribunal were satisfied that the referee's decision was incorrect. The force used by the player was considered to be negligible.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.