

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

*on behalf of*  
*Amateur Football Alliance*

CORRESPONDENCE HEARING

*of*  
*Ben Allen*

CASE NUMBER 100759996-M

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THE DECISION AND REASONS OF THE COMMISSION

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Warning: This document contains offensive and/or discriminatory language

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## Introduction

1. On 12<sup>th</sup> March, 2022, Ben Allen (“the player”) played in the game between Old Magdalenians 1st FC versus Bealonian FC (“the game”) in a Two North-Amateur Football Combination fixture.
2. The case refers to the allegation that Mr. Ben Allen used violent conduct and/or threatening and/or abusive and/or insulting behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Physical contact or attempted physical Contact against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Allen kicked a ball towards the Match Official, striking him on the back or similar.

## The Charge

3. On 24<sup>th</sup> March, 2022, the Amateur Football Alliance charged Ben Allen with breach of FA Rule E3, Improper Conduct against a Match Official. The details of the charge are:

**Charge 1:** FA Rule E3 - Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour)

**Alternate Charge 1:** FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour)

4. Amateur Football Alliance included with the charge letter the evidence that it intended to rely on in this case.
5. The Club was required to respond to its charge by 31<sup>st</sup> March, 202.

## The Reply

6. Ben Allen has accepted the charge.

## The Commission

7. The Football Association (“The FA”) appointed me, ~~Christine Harrop-Griffiths~~, as a Chairman member of National Serious Case Panel, to this Discipline

Commission as the Chairman Sitting Alone to adjudicate in these cases.

### The Hearing & Evidence

8. I adjudicated this case on 6<sup>th</sup> April 2022 as a Correspondence Hearing (the "Hearing").
9. I had received and read the bundle of documents prior to the Hearing.
10. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to these cases.
11. With the FA's standard procedures, the case was designated as "Accept-Correspondence Hearing".
12. The following evidence was provided in the case bundle.

The Match Referee, Mr Rob Wyatt, submitted a Witness Statement, dated 12.03.22, in which he stated that:

*"Great game of football and in the main good set of lads who caused very few problems. Except for one incident. The number 8 for Bealonians was booked early in the second half for a sliding reckless challenge. Very much a yellow card. Later in the half in around the 70th minute there was another sliding challenge and high on the knee of an opposition player another clear yellow card. I also showed a red card. As I turned my back to restart the game the number 8 dropped kicked the ball into my back. He was quite close and it was quite hard. I was fine but this is the reason why Bealonins get 1 for spirit of football. To be fair the other players from Bealonians were asking of I was ok and the subs from Mags said they saw it and would be witnesses if needed. Not good and very unsavoury".*

."

13. Further evidence was supplied by Daniel Freedman, Assistant Manager of Old

Magdalenians, provided the following statement:

*“generally a good game from both sides.*

*-65th min or so a Bealonians player gets a second yellow for a bad foul resulting in a red card. He feels hard done by but was def a yellow and bad foul.*

*-the player leaves the field after protests.*

*-he gets a non-match ball from the side of the field and turns and kicks it full power at the back of the referee who has turned away from the player and is preparing to restart the game with a free kick.*

*-the ball hits the referee in the back.*

*-fortunately the referee took a good approach not to overreact and the sent off player was pulled away by a coach/sub from the Bealonians bench.*

*-the rest of the game passed without incident”.*

14. The player, Ben Allen, supplied a statement dated 21<sup>st</sup> March:

*“I, Ben Allen, will state the referee gave me two very harsh yellow cards. Neither were yellow card offenses and he didn’t even give me a talking to or a warning. Both players from my team and the opposing team agreed the sending off was ridiculous. In frustration of the referees shocking decision I kicked a ball that happened to make contact with him”.*

15. The Secretary of Bealonians, Nick Newell, provided a statement dated 16<sup>th</sup> March as follows:

*“Ben came into the game at halftime and was yellow carded for a tackle around the 55<sup>th</sup> minute, he was was booked again 10 minutes later for another tackle, for which he was given a second yellow card.*

*Once off the pitch he turned and kicked the match ball back in the direction of where the foul was committed*

*I’m not sure if he was aiming for the referee or any other player but it hit the referee in the back. I sent Ben away and apologised to the referee, he said he will make a report”.*

16. That concluded relevant evidence in this case.

### **Standard of Proof**

17. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

### The Findings & Decision

18. The player has accepted the charge but indicates in his statement that the contact of the ball with the referee was accidental. What is in dispute therefore is the physical contact element of the charge. However, the referee states that the player was close to him when the ball was kicked and Daniel Freedman felt that the ball was deliberately kicked at the referee.
19. I find that Charge 1, including the physical contact, to be PROVEN.

### Previous Disciplinary Record

20. I sought the offence history of Mr Allen. There are no previous misconduct notifications on his record.

### Mitigation

21. No mitigation has been offered by the player, there was just the following statement from Andy MacRae at the Club. It is discouraging that Mr Allen did not attend the hearing offered:

*"In accordance with our club code of conduct, Mr Allen was requested to attend a club disciplinary hearing, and he has declined to attend."*

*Our view is that he needs help and learning how to control his frustrations on the field of play and better understanding of the role of the referee. Our planned approach was to offer him the opportunity to attend a referee's course in addition to the education programme recommended by yourselves (County FA).*

*Before playing again he would need to complete these courses in addition to serving the misconduct suspension and reimbursement of all fines.*

*Our approach is to try and educate and improve players, and therefore we will retain Mr Allen's registration and not release him to any other club until the above measures and sanctions have been completed".*

### The Sanction

22. I noted that the Sanction Guideline for each E3 offence under this charge is as follows:

- suspension from all football activities for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days.
- a fine of up to £150, with a mandatory minimum fine of £75.
- an order that the Participant completes an education programme before the time-based suspension is served or within 28 days of the Disciplinary Commission's decision, whichever is the later.

23. When deciding the sanction, the accept plea to the alternate charge will be taken into account and the clean disciplinary record, at least as far as misconduct charges are concerned. Weighed against that, it seems that the referee was actually hurt, there does not seem to be any apology, and the failure to attend the Club Hearing are negative indicators. With all these factors in mind, a time based sanction just slightly below the recommended entry point will be applied.

24. After taking into consideration all circumstances in this case, Mr Allen is:

24.1. Suspended from all football activities for 170 days plus 61 days to cover the summer non-playing period, a total of 231 days. This will be backdated to the start of the interim suspension order, i.e. 24<sup>th</sup> March 2022.

24.2. fined a sum of £75 (seventy-five pounds); and

24.3 ordered to complete a face-to-face education course. This must be completed before the time-based suspension is served or within 28 days of the Disciplinary Commission's decision, whichever is the later otherwise the participant will be suspended from all football activity until such time as he is in compliance with this order.

24.4 7 (seven) club penalty points to be awarded

25. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Christine Harrop-Griffiths (Chairman)

6<sup>th</sup> April 2022