

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Amateur Football Alliance

NON-PERSONAL HEARING

of

Ben Waldron

Old Manorians FC

[Case ID: 11281970M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 13 May 2023, London Hospital Old Boys FC (“London”), played aa Amateur Football Combination Division 4 North fixture against Old Manorians FC 3rd (“Manorians”, the “Club”) – collectively the “match”.
2. Following the fixture, a complaint was received by the Amateur Football Alliance regarding the alleged misconduct of Ben Waldron of Old Manorians FC.
3. The Amateur Football Alliance (“AFA”) investigated the reported incidents.

The Charges

4. On 14 June 2023, the AFA charged Ben Waldron:
 - 4.1. with misconduct for a breach of FA Rule E3 – Assault by Participant on Participant (**Charge 1**);
 - 4.2. with an alternate charge for a breach of FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language /behaviour) (**Alternate Charge 1**);
 - 4.3. It is alleged that Ben Waldron used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault by a Participant on another Participant as defined in FA Regulations. This refers to the allegation that Mr Waldron headbutted/struck Laurie Stephenson of London Hospital Old Boys First causing a laceration above their eyebrow which required hospital treatment (nine stiches).
 - 4.4. AFA advised in the charge letter that the range of sanction for **Charge 1** was a suspension from all football activity for a period of between 140 days and 5 years, with a mandatory minimum of 140 days; and a fine of £150.

- 4.5. The range of sanction for **Alternate Charge 1** is a suspension of between 1-10 matches and a fine between £20 - £125.
 - 4.6. The charge letter further informed Old Manorians FC that Ben Waldron, due to the serious nature of the offence, is immediately suspended from all football and football activities from 14 June 2023 until the case has been dealt with by the Association.
 - 4.7. The relevant section of FA Rule E3 states¹:
“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
[...]
 - 4.8. AFA included with the charge letter the evidence they intended to rely on in this case.
5. Ben Waldron was required to respond to both of the charges by 21 June 2023.

The Reply

6. On 16 June 2023 a response was received via WGS for both charges of *“Deny by Correspondence”*.
7. During the investigation, evidence was submitted from:
 - 7.1. Match Referee, report and further observations;
 - 7.2. Statements from London Hospital Old Boys FC;
 - 7.3. Response from Ben Waldron.

¹ p. 141 of FA Handbook

The Commission

8. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

The Hearing and Evidence

9. The case bundle was sent via e-mail to the appointed Chair 23 June 2023 to be completed within 3 working days.
10. I adjudicated this case on 25-26 June 2023 as a correspondence hearing.
11. The following is a summary of the principal submissions provided. 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 we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case. Where appropriate names have been removed from statements.
12. The first entry in the case bundle is the initial report dated 17 May 2023 from the player allegedly assaulted which provides the following;
 - 12.1. This begins by confirming theirs and the match details, and adds *“I was unfortunately assaulted by headbutt by an opposition player midway through the second half, resulting in a split eyebrow requiring an A&E attendance and 9 stitches.”*. He identifies the offender as the opposition no 4 who gave the name *“Ben Waldron”*. The incident took place during a free-kick *“in which I was marking the player and stood my ground following a shoulder barge, at which point he stepped back and proceeded to headbutt me. After the incident he then stated ‘have a look at your eye mate’ Unfortunately the referee did not see it, however a few players on my team did witness this.”*.
 - 12.2. Following this he alleges Ben Waldron *“proceeded to threaten a further one of our players stating ‘I’ll show you what I’ve just done to him’ [referring to*

- myself] and gesturing a headbutt.” Which was witnessed by other players who would be able to collaborate the events. He had reported to the league the day following the fixture but has not had a response as yet.*
- 12.3. A reply is sent on 18 May 2023 asking for any A&E evidence, medical report or photographic evidence. The player responds on 24 May 2023 and notes they were unable to obtain an A&E report but does include two photographs the first of which shows the open wound with the second showing the wound having had stitches. He also includes further statements from a colleague who had witnessed the incident.
- 12.4. This statement notes the following *“During a set piece the opposing number 4 from Old Manorians - Ben Waldron - head butted our player, [redacted], unfortunately the referee did not see it and took no action, even though the evidence was clear”*. They had heard an exchange of words and had turned to see *“both players holding on to one another. I saw Ben step back then grab [redacted] shirt pulling him closer and head butt him just above the left eye. Afterwards the opposing player was bragging about what he had done and telling [redacted] to check his eye. In the end we had to finish the game with 10 men and our injured player was forced to go to A&E”*.
- 12.5. The AFA make further contact to follow-up with the player on 26 May 2023 and 02 June 2023; on the latter date the player responds *“I have tried, but unfortunately have not been able to get a hold of one. Nothing on my GP system either”*.
13. Ben Waldorn submitted a statement on 29 May 2023 regarding the incident which provides the following observations;
- 13.1. He confirms the free-kick and there being *“a bit of hustle and bustle in the box and the defender was being very physical. As I went to make my run as the ball was swung in, he stood in my path. I am looking at the flight of the ball and I then clash head’s with the player. Ball is then put out for a throw”*.

- 13.2. At this point the game was stopped to allow the player to be assessed and *“they then accused me of doing in on purpose which as you can understand I wasn’t happy about, because this wasn’t the case. The ref then came over to make sure everyone was ok; we had a chat about it, and I explained what had happened and he said he hadn’t seen it and was happy to continue the game”*.
14. On 18 May 2023 the Match Official was asked by AFA for their observations, on the same date the Referee responds;
- 14.1. He confirms he was the Referee but he did not see the incident but did see the resulting injury. This led him to think it was an off-the-ball incident and adds *“I did make enquiries to both teams but I received differing reports.”* In a reply on 23 May 2023 the AFA ask them to expand on the comment of differing reports.
- 14.2. In the final response also dated 23 May 2023, AFA the Referee states *“The injured player told me that his opponent grabbed his neck and head butted him. The injured player had an approximately one inch cut on his eye brow that would not stop bleeding. I was told at the end of the game the cut needed stitches This was repeated to me by a team mate at the end of the game”*.
- 14.3. He reiterates he did not see the incident so called the alleged culprit and the Manorians captain over to ask what happened *“I was told by the culprit that he turned his head and that they clashed heads as they walked past each other”*. He concludes the e-mail noting *“I did not see what happened. It was totally out of character with the rest of the game that was played in a sporting and friendly way. I was left somewhat bemused by events”*.
15. That concluded the relevant evidence in the case.

Standard of Proof

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

The Findings & Decision

17. The Commission considered **Charge 1**; the Commission considered the evidence presented to them. The player alleges there was a shoulder barge and then Ben Waldron had stepped back and had then headbutted him. His witness notes both players were holding each other when there was shirt grab by Ben Waldron who then committed the head butt. There are further allegations of bragging and/or threats from Ben Waldron afterwards.
18. In their defence Ben Waldron notes it was a coming together during a run when he had his eyes on the ball and was an accidental clash of heads. The Referee notes he was told by him at the time they had turned their head and clashed as they were walking past. There is a discrepancy in the two accounts provided, it would be highly unlikely for such an injury to occur at walking speed and was more likely to have taken place whilst the player was moving faster.
19. It is the belief of the Commission, based on the balance of probability it was more likely than not the action of a headbutt did take place and was an intentional act by Ben Waldron towards their opponent. The Commission then looked at the level of injury received in the incident, the threshold for the charge in para 104 of the FA Handbook states
 - 19.1. *“If a Match Official’s report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a Match, the Affiliated Association shall without delay investigate the Referee’s report”*. The FA provide guidance on the level of injuries for the charge as follows;
 - 19.2. For Assault by participant on participant the FA guidance provides the following examples: -
 - *Injury resulting in disability*
 - *Broken Bones*
 - *Disfigurement*

- *Psychiatric Injuries*

20. From the guidance provided the injuries sustained do not meet the threshold for **Charge 1** therefore this is found **Not Proven**.

21. The Commission then considered **Alternate Charge 1** for Violent Conduct; the guidance produced by the FA lists the following as examples of injuries within the threshold;

21.1. For Violent Conduct: -

- *Bruising*
- *Minor fractures*
- *Minor cuts*
- *Displaced nose*

22. The Commission, having already noted the action was more likely than not to be intentional considered the level of injury sustained to be within the threshold for **Alternate Charge 1** and have therefore, found this **Proven**.

Previous Disciplinary Record

23. Ben Waldron' five-year offence history only contains 1 caution outside of this fixture.

Mitigation

24. Ben Waldron has not provided anything in mitigation.

The Sanction

25. For case **11281970M Alternate Charge 1** for Ben Waldron relating to threatening behaviour, the sanction range for this offence is as follows:

25.1. Suspension of 1-10 Matches;

25.2. A fine between £20 - £125.

26. The entry point for the offence was considered to be parity with the on-field offence of violent conduct at 3 matches and a fine of £40. After taking into consideration the level of injury received by their opponent the Commission placed the sanction at 8 matches and a fine of £100. Having considered the offence history as mitigation, the sanction will be:

26.1. To serve a suspension of 6 matches

26.2. fined a sum of £80;

26.3. 8 (eight) Club Disciplinary Points to be recorded;

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

28. Signed...

Steve Francis (Commission Chair)

26 June 2023