

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Amateur Football Association

NON-PERSONAL HEARING

of

**KEVIN MCLOUGHLIN
OLD SALVATORIANS**

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. These are the written reasons of Davide Corbino (“Chair” or the “Commission”), having considered the matter on papers as Chair alone on a Non-Personal Hearing basis.
2. These written reasons contain a summary of the principal evidence before the Chair and does not purport to contain reference to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Chair did not take such point, piece of evidence or submission into consideration when determining the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this matter.

The Charge

3. By a Misconduct Charge Notification dated 10 November 2023 (the “Charge Notification”), Kevin McLoughlin was charged with a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
4. More particularly, it is alleged that Mr McLoughlin, used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA

Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr McLoughlin was verbally abusive towards the match official and/or acted in a confrontational and/or intimidating manner towards the match official, these actions made the referee feel intimidated/threatened.

5. Mr McLoughlin pleaded guilty to the charge and elected for the matter to be dealt with by way of correspondence. Accordingly, the matter has been dealt with by me, as Chair alone, on a Non-Personal Hearing basis.

Evidence

6. As aforementioned, the following is a summary of the principal evidence only. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been recorded as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.
7. Following the fixture between Old Woodhouseians Third and Old Salvatorians Fourth on 14 October 2023, Giuseppe Pentangelo the Match Official submitted an Extraordinary Incident Report Form dated 15 October 2023, which states inter alia:
“...at the 40' minute of the second half, 5 minutes before the end of the match a second foul was made by Kevin McLoughlin, my attempt to report the foul has been immediately stopped by the player that walked towards me to question my decision, he also shouted at me, trying to intimidate me, calling me fucking cunt, fucking wanker, fuck off. With calm I called the managers, that were holding him, because he tried to challenge me like to fight, still giving me names "fucking wanker", "fucking cunt", and fuck off, the situation went on for five minutes so much so that I had to ask the team of the salvatorians to let him go or take him away.”
8. The Match Official submitted two emails on 16 October 2023 which state, inter alia:

“... 1. He was next to me, one step away, so I walked a bit back, and then he gave me names "fucking cunt", "fucking idiot", and then he said "fuck off". The managers took him away, he was pushing them to get closer, and after a bit, they managed to send him away, bust still yelling at me with names.

2. The body language and his attitude was aggressive, he yelled at me for the whole time, but really loud and angry, so much so that I asked the managers if it was ok for me to leave the pitch at the end of the game. The whole Salvatorians team supported me and apologised for this ...”

9. And:

“...The player went towards me yelling at me, after he's been sent off, the was held by his managers, becaues he was trying to step back to me, they had to hold him, and he was pushing them while holding him, still yelling at me and giving me names, you will understand that it was not a nice thing to see, also because the match went smooth and there were no other episodes of the same nature, I had to remind him to step away from the pitch different times, while they were holding him. While he was walking away, carried by them, he continued to yell at me "fucking wanker", "fucking cunt", "fuck off" ...”

10. In an email dated 23 October 2023, Jud Walker states, inter alia:

“...The feedback I've had was that the referee was not particularly clear with his decisions (using his whistle or indicating which way he had award the decision etc). In this incident, he sent of their player for a foul which seemed harsh and the player reacted aggressively to the red card and was held back by his team mates. They added that after the game, the sent off play approached our captain and apologised for his behaviour and said it was not a reflection of Old Salvotorians as a club ...”

11. A witness statement was submitted by Liam Jennings, Manager of Old Salvatorians Fourth, dated 30 October 2023 which states inter alia:

“...The ref blew for the foul and straight away the Woodhousians goalkeeper started running towards the ref shouting “Ref he has already been booked so has got to go for that” and the ref inexplicably issued Kevin

a straight red for the challenge and at that point Kevin lost his temper completely as the foul was never a booking let alone a straight red.

Old Salvos attempted to calm Kevin down as he had completely lost his temper at the decision and the ref insisted that Kevin leave the area beside the pitch, and we made Kevin leave the pitch and playing area and he immediately went to the changing rooms and left the ground.

I asked the ref after the game why he had issued a straight red for the second offence and he replied "Violent Conduct" to which I replied "I know our players reaction to the sending off was wrong but why did you deem the second offence a straight red which made Kevin react in such a manner, the ref replied "I don't want to talk to you about it now" – I was polite & calm when addressing the ref after the game so there was no reason for him not to explain his decision making.

My opinion is that the ref issued a straight red due to the protestations from the opposition goalkeeper as the actual offence was only a free kick.

Kevin reacted badly to the issue of the straight red card for that foul..."

12. A witness statement was submitted by Kevin McLoughlin (undated), which states inter alia:

"...Around ¾ through the 2nd half I missed timed a tackle an gave away a freekick, I helped the opposition player up and immediately his goalkeeper came running out screaming red card, I turned to the ref and to my amazement he pulled out a red card, I was very frustrated and asked for an explanation, however the ref would not discuss anything with me and asked I leave the pitch.

One of my teammate came on and walked with me off, I was so disappointed that I went straight to the changing room and went home.

In my opinion, it was not a sending off, the opposition player I fouled, also agreed it was not a booking.

I felt this decision ruined a well contested game between both clubs."

13. As aforementioned, Mr McLoughlin subsequently pleaded guilty to the charge. No further evidence was submitted on his behalf.

Sanction

14. As Mr McLoughlin has accepted the Charge, the Commission formally records that the Charge is found proven by admission.
15. For the avoidance of doubt, the Commission accepted the account of the Match Official in its entirety, and thus went on to consider sanction on that basis.
16. The Commission had regard to the FA Sanction Guidelines and the FA Disciplinary Regulations generally including both the recommended and minimum sanctions.
17. Regulation 101 of the Disciplinary Regulations provides that a Disciplinary Commission shall impose an immediate suspension within a range as set out:
“101.1 suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days.
101.2 a fine of up to £100, with a mandatory minimum fine of £50.
101.3 an order that the Participant completes an education programme before the time-based suspension is served.”
18. The Commission is therefore obliged to impose a suspension from all football activity, with the entry point for a suspension being 112 days but the Commission must also take into account aggravating and mitigating factors.
19. There was a sustained outburst of abusive comments towards the Match Official, with Mr McLoughlin having had to be held back so as to stop him from approaching the Match Official. These were aggravating factors.

20. As to mitigation, Mr McLoughlin pleaded guilty at the earliest opportunity, though this does not come with any apology or expression of remorse. Mr McLoughlin also has no previous misconduct history.

21. The Commission went on to consider what suspension is necessary and fair given the above considerations. Taking all the above into consideration, The Commission imposes a sanction above the entry point although below the higher guided level – that is a suspension of 126 days from all football activity and a fine of £70. The education course is mandatory.

Outcome

22. For the reasons set out above:

- i. The Charge is found proven by admission.
- ii. Mr McLoughlin shall receive a suspension of 126 days from all football activity.
- iii. Mr McLoughlin shall pay a £70 fine.
- iv. Mr McLoughlin shall attend a compulsory online FA Education Course, to be completed before the time-based suspension is served, failing which he will be suspended from all football activity until such time as he has completed the course.
- v. The Club shall also receive 8 club penalty points, commensurate with the breach and reflective of the factors considered above.

23. Whereby the participant fails to comply with the order, a Sine-Die (indefinite) suspension shall be imposed until such time the participant becomes compliant with the order of the Disciplinary Commission.

24. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Mr Davide Corbino

6 December 2023