

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

*on behalf of the Amateur Football Alliance*

CORRESPONDENCE HEARING

*of*

**OLD ALOYSIANS FC**

CaseID: 10609981M

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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 20 November 2021, Old Aloysians FC third team (the “Club”) played a fixture against Shene Old Grammarians Reserves FC (“Shene”) – collectively the “match”.
2. The Amateur Football Alliance (“AFA”) received a report of an allegation of misconduct in relation to a breach of FA Rule E20.1.
3. AFA investigated the reported incident.

## The Charge

4. On 26 November 2021, AFA charged the Club:
  - 4.1. with misconduct for a breach of FA Rule E20 – Failure to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion; and
  - 4.2. it was alleged that the Club failed to ensure that player(s), official(s), spectator(s), and/or all person(s) purporting to be its supporter(s) or follower(s) conducted themselves in an orderly fashion and refrained from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour, contrary to FA Rule E20, and it is further alleged that: (1) during the fixture the players of the Club verbally abused, swore at, grabbed the arm of the match referee. (2) It is further alleged that a player from the Club kicked the ball directly at the match referee and that (3) the Captain of the Club refused a request to keep his team under control. [“the E20 Charge”].
5. The relevant sections of FA Rule E20 states<sup>1</sup>:

*“E20.1 Each Affiliated Association, Competition and Club shall be responsible for ensuring:*

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<sup>1</sup> p. 129 of FA Handbook 2021/22

*E20.1 that its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere;*

*[...]*”

6. AFA included with the charge letter the evidence that it intended to rely on in this case.
7. The Club was required to respond to its charge by 3 December 2021.

### **The Reply**

8. No response was received from the Club to the charge.

### **The Commission**

9. The Football Association (“The FA”) appointed me, Kwadjo Adjepong, as a Chairman member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

### **The Hearing & Evidence**

10. I adjudicated this case on 16 December 2021 as a Correspondence Hearing (the “Hearing”).
11. I had received and read the bundle of documents prior to the Hearing.
12. 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.

13. As there was no response from the Club to the charge, with the FA's standard procedures, the case was designated as a "Deny – Correspondence Hearing".
14. The following evidence was provided in the case bundle.
15. The Match Referee, Mr Matteo Milanesi, submitted a Witness Statement, dated 22 November 2021, in which he stated that: *...[The Club] were left with 6 players on the pitch following 3 sin bins and 2 sendings off and I had to suspend the match because it became impossible for me to continue refereeing the match due to continuous threats coming from [the Club's] players. I felt very unsafe and I kept being surrounded by at least 3/4 players which were impeding me to move freely in any direction. None of the [Club's] players wanted to give me their details ...when cautioned/sent off so I cannot provide them...No team sheet was provided either...One of the sent off players...kicked the ball at me...as my back was facing him...After missing me he came towards me with clenched fists down his sides, waiting for me to react, as he was ready to hit...Another player called me at least 4 times.. 'hijo de puta [son of a bitch]' ...Another player called me [a]'fucking shit referee'...and ...'you are fucking shit' several times...'and fucking racist referee'...as they were all Columbians...'you want them (i.e. Shene) to win'... [and] 'you are fucking disrespectful'...another player grabbed my arm several times to 'talk' to me...Another player pushed me with his chest into my side/shoulder. I heard 'I'll fucking kill him'...I have never felt so scared for my life...on a football pitch... Their behaviour was utterly unacceptable".*
16. Mr Karl Jones, the Shene Captain, submitted a Witness Statement, dated 20 November 2021, in which he stated: *"I have been involved in plenty of matches where players haven't agreed with the referee's decision, but I have never seen a protest go on for such a long time and with such tenacity...the game was descending into chaos...after the decision to abandon the match was made...me and a couple of teammates remained very close to the referee to ensure that none of the opposition players could physically*

*harm him... A number of [the Club] players were shouting at the referee, accusing him of cheating, swearing at him and accusing him of being racist to them ... The referee was clearly shaken and upset...[the shouting] continued for 7-8 minutes [in English and Spanish]...the whole reaction [of the Club] was completely uncalled for and...acted to intimidate the referee".*

17. That concluded relevant evidence in this case.

### **Standard of Proof**

18. 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**

19. The Club had not responded to the charge, provided no rebuttal to the evidence in support of the charge and, did not advance their own version of events. Therefore, there was no challenge to the evidence in support of the charge and I only had evidence in support of the charge in this case.

20. However, due to the *Nil Response*, the case had been designated as a denial of the charge, and I still needed to determine the liability.

21. In summary, it was alleged that players for the Club had engaged in insulting, abusive and threatening behaviour towards the Match Referee.

22. I noted that the allegations made by the referee against the Club were corroborated by the Captain of Shene. I am satisfied that players from the Club had failed to conduct themselves in an orderly manner and had engaged in insulting, offensive and threatening words and behaviour towards the Match Referee.

23. Therefore, I found the E20 Charge PROVEN.

24. I noted that there were several insulting comments directed towards the Match Referee and found the Club not engaging in the disciplinary process to be aggravating factors. I assessed the level of seriousness to be at a high level.

### **Previous Disciplinary Record**

25. After finding the charge proven, I sought the Club's offence history. The Club had a prior misconduct record in the previous five seasons.

### **Mitigation**

26. As the Club had not responded to the charge, there was no mitigation presented by the Club. I did not find anything in the case bundle that could be considered as mitigation either.

### **The Sanction**

27. I noted that the Sanction Guideline for the E20 offence level is a fine of up to £150.
28. As the Club had not accepted the charge, the "Credit for Guilty Plea" was not available to the Club. There was also no mitigation presented or found in this case which, if presented or found, would have help reduced the sanction.
29. Also, with there being a relevant misconduct record in the Club's previous five seasons, no credit was given for a previous good disciplinary record.
30. After taking into consideration all circumstances in this case, the Club is:
- a fined a sum of £100 (one hundred pounds); and
  - b 7 (seven) Club Disciplinary Points are to be recorded.
  - c Warning as to future conduct
31. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed

Kwadjo Adjepong

**Kwadjo Adjepong** (Chairman)

21 December 2021