

**THE DISCIPLINARY COMMISSION**

Sitting on behalf of Amateur Football Alliance

**PERSONAL HEARING**

of

**Andrew Dobson**  
Merton Football Club

**[CASE REFERENCE 11698723M]**

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**THE DECISION AND WRITTEN REASONS OF THE COMMISSION**

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**Disclaimer:**

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials furnished with regard to this matter.

## I. INTRODUCTION

1. The Football Association (“**The FA**”) convened a Disciplinary Commission (**the “Commission”**), on behalf of the Amateur Football Alliance (“**AFA**”) via Microsoft Teams on 26 June 2024 to adjudicate upon disciplinary charges levied against Mr Andrew Dobson (“**Mr Dobson**”) (Case ID number: 11698723M).
2. The Disciplinary Commission was constituted of three members, Mr André Duarte Costa, an Independent FA appointed Chair, Mr Andrew Chaplin and Mr Jairo Marin, Independent FA appointed Wing Members. The appointed Secretary to the Commission was Mr Sam Anderson.

## II. THE CHARGES

3. In summary, by Misconduct Charge Notification dated 30 April 2024 (the “**Charge Notification**”) issued by AFA against Mr Dobson, he was charged with one charge relating to alleged misconduct in a match against Old Wilsonians Fifth on 6 April 2024.
4. It was alleged that Mr Dobson 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 was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations (the “**Charge**”).
5. The Charge Notification referred to the allegation that *“after the fixture Mr Dobson was verbally abusive and aggressive towards the referee which made them feel intimidated or similar.”* (the “**Alleged Behaviour**”).
6. The Charge Notification also referred to the Standard Sanctions and Guidelines. Furthermore, a reference to an administration fee and/or a potential fine was also made.
7. Mr Dobson was required to submit a response by 14 May 2024. On 14 May 2024, Mr Dobson submitted on the Whole Game System, the FA's administration system, a not guilty plea denying the charges and requested a Personal Hearing.

### III. THE RULES

8. The Rules of the Association are foreseen in Part 10 of The FA Handbook 2023/2024<sup>1</sup>.
9. Under the title “Misconduct” Section E of the Rules of the Association sets out the rules to be observed by Participants<sup>2</sup>.
10. Bearing in mind the charges levied against Mr Dobson the relevant rule to take into account for the purpose of the present case is FA Rule E3, in specific FA Rule E3.1.
11. According to FA Rule E3.1: *A Participant shall at all times act in the best interests 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.*
12. The Disciplinary Regulations are foreseen in Part 11 of the FA Handbook.
13. Under the title “Offences Against Match Officials” Regulation 96 of Section Three: Provisions Applicable to Category 5 of Part D of the Disciplinary Regulations provides the following: *The three categories of offence against Match Officials are as follows:*  
  
*96.1 Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.*  
  
*96.2 Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment); and*

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<sup>1</sup> Available at: <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>.

<sup>2</sup> means an Affiliated Association, Competition, Club, Club Official (which for the avoidance of doubt shall include a Director), FA Registered Football Agent, Intermediary, Player, Official, Manager, Match Official, Match Official observer, Match Official coach, Match Official mentor, Management Committee Member, member or employee of a Club and all persons who are from time to time participating in any activity sanctioned either directly or indirectly by The Association, as per The FA Handbook 2023/2024, Section 10, Part A, para. A2.

*96.3 Assault or attempted assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury), examples include, but are not limited to, causing and/or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official.*

#### IV. DOCUMENTARY EVIDENCE

14. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
15. The evidence which the AFA relied upon in support of the charges consisted of:
- a) Extraordinary Incident relating to Misconduct by Mr John Parker (“**Mr Parker**”), the Referee, dated 10 April 2024<sup>3</sup>;
  - b) Email from Mr Parker, the Referee, undated<sup>4</sup>;
  - c) Email from Mr Parker, the Referee, dated 10 April 2024 at 22:06<sup>5</sup>;
  - d) Email from Mr Jamie Parkinson, linked to Old Wilsonians, dated 17 April 2024 at 12:45<sup>6</sup>;
  - e) Email from Mr Edward Plaistow, Secretary for Merton Football Club, dated 19 April 2024 at 12:52<sup>7</sup>;

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<sup>3</sup> P. 6 of the case bundle.

<sup>4</sup> P. 8 of the case bundle.

<sup>5</sup> PP. 8-9 of the case bundle.

<sup>6</sup> P. 11 of the case bundle.

<sup>7</sup> P. 14-15 of the case bundle.

- f) Statement by Mr Dobson, the Participant charged and Player for Merton Football Club, dated 17 April 2024<sup>8</sup>;
- g) Statement by Mr Iain Evans (“**Mr Evans**”), Player for Merton Football Club, dated 25 April 2024<sup>9</sup>;

16. There was no evidence submitted in defence of the Charge.

## **V. ORAL EVIDENCE**

### **A. GENERAL CONSIDERATIONS**

17. In accordance with the Serious Case Bundle Cover Sheet provided to the Commission prior to the hearing, it expected to hear evidence in support of the charge from Mr Parker. However, Mr Parker failed to attend the hearing due to work commitments.

18. Moreover, also in accordance with the Serious Case Bundle Cover Sheet provided to the Commission prior to the hearing, it expected to hear evidence in defence of the charges from Mr Dobson, which it did.

### **B. 26 JUNE 2024 HEARING**

19. The Commission heard from Mr Dobson. In addition to his statement, he gave oral evidence as follows:

Mr Dobson felt that he had been very unfairly done by the referee. Mr Dobson stated that this was why he approached the referee after the match. Mr Dobson got a sin bin and was walking away. The referee told Mr Dobson that one more word from him and he would be out. Mr Dobson then put his thumb up. The referee then sent Mr Dobson off. Mr Dobson thought that he should ask the referee after the match why he was sent off. Mr Dobson would not say he approached the referee aggressively. Mr Dobson walked over, there were some players shaking hands with the referee. Mr Dobson and the referee looked at each other. Mr Dobson then told

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<sup>8</sup> PP. 16-18 of the case bundle.

<sup>9</sup> PP. 19-21 of the case bundle.

the referee that he could not show him a yellow card and then a red card. Mr Dobson did not shout. Mr Dobson was obviously annoyed. Mr Dobson did not raise his voice. Mr Dobson was about a metre from the referee. The referee looked at him for two or three seconds and then barked at him. The referee told Mr Dobson that he showed him two yellow cards and then a red card. The referee then marched away. Mr Dobson followed the referee by taking about two footsteps. The tempers flare after he asked the referee about three times why he was sent off. The referee then started to shout at him to go away because he would report him. Mr Dobson told the referee he did not care if he reported him. Mr Dobson did not think his behaviour was threatening. At this point Mr Dobson also started to raise his voice at the referee. Mr Dobson did not recall swearing at the referee. Mr Dobson was then about half a metre from the referee. The referee did not try to move away. They were by the sideline facing each other and exchanging a few words. In Mr Dobson's opinion he had not done anything. Mr Evans then approached and moved the referee away and shout at Mr Dobson to go away. Mr Dobson did not swear at that point. It all ended at that point. The referee did not tell Mr Dobson for what reason he would report him, just kept telling him to go away or he would report him. Mr Dobson did not know what he was pursuing by questioning the referee, he just considered he deserved an answer.

20. Immediately after, the Chair of the Commission questioned Mr Dobson if he was satisfied that all evidence had been heard as he would not have any further opportunity to present any new evidence. In replying, Mr Dobson confirmed that he was satisfied.
21. The Chair of the Commission then gave the floor to Mr Dobson for him to present his closing submissions.
22. Subsequently, the Commission retired to consider the charges. The Commission's findings and reasoning is set out below.

## **VI. THE STANDARD OF PROOF**

23. The Disciplinary Regulations are foreseen in Part 11 of The FA Handbook 2023/2024.

24. Under the title “General Provisions” Part A of the Disciplinary Regulations sets out in Section One the provisions applicable to All Panels and in Section Two the provisions applicable to Regulatory Commissions.
25. Paragraph 8 of the above mentioned “General Provisions” states that *save where otherwise stated, the applicable standard of proof shall be the civil standard of the balance of probabilities.*
26. Therefore, the applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

## **VII. FINDINGS & DECISION**

### **A. GENERAL CONSIDERATIONS**

27. The Commission reminded itself that the burden of proving a charge falls upon the AFA.
28. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission to consider. We must assess the credibility of the witness (that is whether a witness is attempting to tell the truth) and the reliability of the witness (that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon).
29. Where there are discrepancies between witnesses, it is for us to decide which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness’s own evidence, it is for us to assess if the discrepancy is important. Having considered which evidence we accept and reject, we then must decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.
30. In assessing liability, the Commission was mindful of the issues to be determined in the present case. The issues were whether the Commission was satisfied to the requisite standard that the evidence before it proved that the Alleged Behaviour

constituted Threatening Behaviour against a Match Official for the purposes of the Charge.

## **B. FINDINGS**

31. In the present case the allegation was that Mr Dobson, the Participant charged and a Player for Merton Football Club, 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 was further alleged that this constituted Threatening Behaviour against a Match Official.
32. According to the evidence provided to the Commission the allegation was that Mr Dobson adopted the Alleged Behaviour.
33. After reviewing all the evidence, the Commission concluded that the only disputed matter was whether Mr Dobson acted in a threatening manner towards the referee.
34. The Commission noted that Mr Dobson had been sent off during the match, a decision he did not agree with, as he believed the referee had only issued him one yellow card up until that point.
35. According to Mr Dobson's own testimony, he approached the referee after the match to ask why he had been sent off. He was about one meter away from the referee at this time. Mr Dobson stated that he did not shout but was obviously annoyed. The referee informed him that he had shown him two yellow cards followed by a red card.
36. The Commission observed that even though Mr Dobson received a response to his question, he continued to follow the referee after he "*marched away.*" This behaviour was deemed unnecessary since the referee had already clarified Mr Dobson's query. Mr Dobson's actions were further aggravated as he repeatedly asked the same question. At this point, Mr Dobson stated that "*tempers flared*", prompting the referee to warn him that he would be reported if he did not leave. Mr Dobson responded that he did not care and also raised his voice. During this exchange, Mr Dobson and the referee remained half a metre apart.

37. The Commission noted that Mr Evans intervened, moving the referee away whilst shouting at Mr Dobson to leave. The Commission was convinced that Mr Evans would not have intervened if the interaction between Mr Dobson and the referee had not become heated.
38. In conclusion, the Commission found Mr. Dobson's behaviour threatening. Despite having time to reflect on his actions after the match, Mr Dobson chose to approach the referee and so his actions were premeditated, given that as he had been dismissed and shown a red card, Mr Dobson should not have been within the vicinity of the field of play. Even after receiving an explanation, he persisted in questioning and following the referee. The referee warned him that his behaviour would be reported if it did not cease. Mr Dobson then raised his voice, which could be perceived as threatening behaviour.
39. The Commission recalled that threatening behaviour is not limited to verbal threats but also includes body language and conduct.
40. Given Mr Dobson's proximity to the referee, his heightened emotional state, and the referee's repeated requests for him to leave, the Commission concluded that the referee could reasonably have felt threatened by Mr Dobson's demeanour.
41. Accordingly, the Commission found, on the balance of probabilities, that Mr Dobson adopted the Alleged Behaviour.
42. As a result of the aforementioned, the Commission found, on the balance of probabilities, the Charge proven.

#### **VIII. SANCTION**

43. The Commission was guided by the FA Sanction Guidelines for the 2023/2024 season and relevant FA regulation when deciding on the sanction.
44. The Commission was informed that Mr Dobson had a previously unblemished disciplinary record.
45. With respect to aggravating factors, the Commission considered that Mr Dobson's behaviour was premeditated as he had ample time to calm down after being sent off

but chose to approach the referee after the match nevertheless. Although the recipient of Mr Dobson's behaviour was the Match Official, which constituted itself an aggravating factor, it is already reflected on the sanctions to be imposed as per the recommended sanction guidelines. For this reason, this fact should not be taken into account for the purpose of aggravating the sanction.

46. In relation to mitigating factors, the Commission considered Mr Dobson's disciplinary record. The Commission also considered that Mr Dobson was remorseful and learned from the incident.

47. Mr Dobson contested the charge, as was his right, but naturally he could not avail himself of any credit it would have otherwise been entitled to had he entered a guilty plea.

48. Having considered all the circumstances in the case, the sanction guidelines, the aggravating and mitigating factors present, the Commission imposed the following sanction:

- a) A 84-day suspension from all football activity. The Commission's sanction can be broken down as follows: 112 days (entry point) +14 days (aggravating factors) – 42 days (mitigating factors) = 84-day suspension;
- b) A £50.00 fine; and
- c) Compulsory attendance of an online FA Education Course to be completed before the time-based suspension is served. Whereby the Participant fails to comply with the order, a Sine Die suspension shall be imposed until such time the Participant becomes compliant with the order of the Disciplinary Commission; and
- d) 7 Club Disciplinary Points.

## **IX. RIGHT TO APPEAL**

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

**André Duarte Costa**

**Andy Chaplin**

**Jairo Marin**

1 July 2024