

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIR SITTING ALONE

on behalf of The Amateur Football Alliance

NON-PERSONAL HEARING

of

Ashnah Powell

Owens FC

[Case ID: 11536713M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 23 December 2023, Owens FC Thirds (“Owens”, the “Club”), played a Herts Senior County League, Division 5 fixture against – Greenbury United FC First (“Greenbury”) collectively the “match”.
2. Following the fixture, the appointed Match Official submitted an Extraordinary Report regarding the alleged misconduct of Ashnah Powell of Owens FC.
3. The Amateur Football Alliance (“The AFA”) investigated the reported incidents.

The Charges

4. On 12 January 2024, the AFA charged Ashnah Powell;
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour);
 - 4.2. It is alleged that Ashnah Powell used violent conduct and/or 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 Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Powell made physical contact with the Match Referee by putting his hand on the Match Referee's throat/neck area or similar.
 - 4.3. The AFA advised in the charge letter that the range of sanction was a suspension of between 112 days and 2 years with an entry point, prior to considering any mitigating or aggravating factors of 182 days; a fine of up to £150, with a mandatory minimum fine of £75 and a mandatory education programme to be completed before the time-based suspension is served.
 - 4.4. The charge letter further informed Owens FC that Ashnah Powell, due to the serious nature of the offence, is immediately suspended from all

football and football activities from 12 January 2024 until the case has been dealt with by the Association.

4.5. 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.

4.6. The AFA included with the charge letter the evidence they intended to rely on in this case.

5. Ashnah Powell was required to respond to the charge by 19 January 2024.

The Reply

6. The case bundle shows a response to the charge had been received on 18 January 2024 via WGS of *“Accept – correspondence”*.

7. During the investigation, evidence was submitted from;

7.1. Match Referee, Extraordinary Incident report;

7.2. Statements from Owens FC.

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 Chair Sitting Alone to adjudicate in this case.

The Hearing and Evidence

9. The case bundle was sent via e-mail to the appointed Chair 19 January 2024 to be completed within 3 working days.

¹ p. 143 of FA Handbook (2023-24)

10. I adjudicated this case on 21 January 2024 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 appointed Match Official for the fixture submitted an Extraordinary Incident Report via WGS 26 December 2023 which states the following;
 - 12.1. Having dismissed the player for the use of offensive and abusive language after 74 minutes the Ashnah Powell had reacted *“by putting his hand on my throat, angrily, although not with excessive force. I did not react and other players intervened to take him away”*. He did not leave immediately and remained on the sidelines by the bench, when the Referee insisted, they leave the area of the field of play *“he walked away, slowly, and said, to me, “I hope you arrive home safely””*.
 - 12.2. The participant misconduct form for the fixture is also included and shows the red card for Ashnah Powell for the offence code S6.
13. The next part of the case bundle is an email from Owens FC, this is dated 08 January 2024, this has three statements attached and provides the following;
 - 13.1. The three statements provided are from committee members of the club, the further content of the e-mail states *“The entire Committee and everyone associated with running Owens FC is extremely upset and disappointed that such an incident could occur involving a player registered with us. It is certainly not behaviour that we associate with our players and is at complete odds with all of our values. One player is not representative of our club and no visitor or official should ever have to endure such an incident. We will be carrying out our own disciplinary process alongside the AFA investigation and we would expect the player to receive a significant, if not lifetime, club ban”*.

14. The first statement is from a club official, this is dated 05 January 2024 and provides the following observations on the incident;

14.1. Their role at the club is given, they had made contact with the Match Official; there were two fixtures at the venue on that day and they had taken up a position to be able to watch both. They soon noticed from this position *“frequent incidents of poor behaviour were occurring between both teams on the pitch and, very occasionally, their coaches/substitutes off it. I therefore went over, in my capacity as a Committee Member, to watch the final 10 minutes or so of the first half”*.

14.2. As they watched this fixture *“it was clear that both sides were playing very forcefully and, because of the wet and muddy conditions, some tackles were being mis-timed. Because of the way the game was being played, and the mis-timed challenges, both sets of players were making repeated requests to the referee for action on their opposite number which went largely unanswered during the period I was watching”*. Just before half-time they spoke with the members of their technical area *“to remind them of the need to maintain respect”*. They left the area and then returned to a position outside the clubhouse in time for the second half.

14.3. With approximately 15 minutes remaining *“I could hear a lot of raised voices/shouting from pitch 4 but the underlying cause was not immediately obvious as there were a lot of players around seemingly trying to diffuse the incident. I saw the referee issue a straight red card to an Owens FC player, Ashnah Powell. After a few seconds Ashnah reacted to the red card by moving towards the referee and pushing the referee in his upper chest/shoulder. Other players from both sides immediately moved to protect the referee and to remove Ashnah from the pitch”*. The author then moved over to field of play to try and ascertain what had taken place and to move the player away.

14.4. They describe the Referee as acting *“in a very calm and professional manner in response to the incident and delayed the game for a few minutes whilst the Owens FC player gathered his belongings which had been left by the side of the*

pitch". They also spoke to the Referee afterwards and offered their apologies on behalf of the club and walked with them back to the changing rooms to make sure they were okay. The Referee informed him of the reason for the red card which the witness states "In itself, unacceptable behaviour".

- 14.5. The Chair of the club also spoke to the Referee to apologise and the witness also made further communication through SMS to apologise again the same day. The statement ends with *"In almost 30 years of being involved with Owens FC as a player/manager and more latterly as a committee member, this is the first time I have witnessed an incident of this sort involving a referee. I hope that I never do again"*.
15. The next statement provided is also dated 05 January 2024 and was submitted by a team official, this offers the following information;
 - 15.1. The match was ill-mannered from the start due to the importance of the fixture to both teams. The statement ten accuses the Referee of being inconsistent leading to *"Frustrations were being shown by both teams at this and rather than being able to express this to the referee in any way, respectfully or not, due to the [Referee's] constant refusal to allow this to happen, players on both sides turned to more animosity on each other which inevitably adding more fuel to the fire. It must be stated however up to the point of the incident in subject, nothing deemed worthy of punishment further than a caution in any real severity had happened"*.
 - 15.2. Of the incident itself, they had a clear view from their position of the initial incident but not of the follow up. His understanding is of *"a very clear, obvious and dangerous foul had happened on Ashna Powell, the player in subject for Old Owens, to which the referee had decided to ignore and allow the game to carry on. If this was the case, I am of the opinion that this would be down to the previous verbal abuse that Mr Powell, as well as other players on both sides, had given to the referee for previous decisions with most didn't agree with"*.

- 15.3. The witness is of the opinion there should be a zero tolerance of any abuse to Referees they believe *“this had altered the decisions of [the Referee] throughout the game in an emotional manner which I believe is hugely wrong”*. After the challenge Ashnah Powell had then confronted the Referee verbally *“Despite various attempts from players from both teams to stop him, he was in no state to take instruction from anyone to try and diffuse the situation. The referee had seemingly had enough of Mr Powell’s actions and branded the red card, to which everyone else on the pitch would have deemed warranted”*.
- 15.4. At this point the player has continued to abuse the Referee and had initially refused to leave the field of play had then turned *“to physical actions towards the ref. Ashna had placed his hands onto the upper part of the referee, around the shoulder/neck area. It must be known that given my good view of this that I can confirm wholeheartedly that it was not a complete ‘throttling’ of the neck from Mr Powell. Shortly after this Ashna proceeded to leave the premises and the referee refused to continue with play until Ashna left the proximity, which is more than fair given the extreme circumstances we were in”*.
- 15.5. Although critical of the manner in which the Match Official refereed the fixture, potentially a contributory factor of the temperature of the game, he feels this situation *“was very professional and intelligent”*. He then notes his team to be *“bitterly disappointed with how this played out, as previously mentioned we as a club pride ourselves on our fair play and respect towards everyone in the game. This has again been echoed to my players and I’m proud to say that everyone else on the day is of the same opinion”*.
16. The final statement of the three provided by Owens is from a second team official dated 03 January 2024. Of the fixture they recall the following;
- 16.1. Also critical of the performance of the Referee which he felt to be a factor in the tension of the fixture rising and of the *“bad blood between both teams”*. He adds *“that was not in any way, shape or form an excuse for the*

situation that followed. In my own opinion the referee was not in control of the game and did not help the situation leading up to the incident. Both teams had players that deserved yellow cards and possible red cards which the referee did not sanction, and so the behaviour of both teams and the referee was poor leading up the incident. Again, that is not an excuse for the inexcusable event, but was definitely a contributing factor”.

- 16.2. He too recalls a poor challenge made on Ashnah Powell, the Referee delayed blowing the whistle and this *“caused the Old Owens player, Ashnah Powell, to react in a way that is unacceptable and disgraceful in any walk of life. Ashnah begun to vocally hurl abuse at the referee continuously, to which nobody who tried to difuse the situation could stop him”*. They were not able to hear the exact words from their position and then *“took the opportunity to do my laces up and stretch my legs, as I initially thought it was simply a free kick to Old Owens”*.
- 16.3. At this point they saw the issue of the red card which he is in agreement with, as they then began to tie their laces *“I looked up and saw a number of players from both teams run towards Ashnah and the referee all trying to difuse the situation which had suddenly occurred. I did not see what happened, as I was tieing my laces from around 60 yards away, but I was told Ashnah had put his hands on the referees upper body somewhere, some saying his neck, some saying his shoulder, some saying he pushed his chest”*.
- 16.4. In his 19-year career he has never seen anything like this and felt ashamed on behalf of both the team and club. He feels *“There is no place for such irresponsible behaviour to happen on the football pitch. The referee then told Ashnah he cannot stand on the side of the pitch as he had been red carded to which he again threw more vocal abuse the referees way. Although I had previously mentioned the referee lacked control in the game, I thought he dealt with this situation itself very professionally. The game then continued once Ashnah had eventually left and was played in a fair and competitive manner”*.

17. The final statement within the case bundle is from Ashnah Powell, dated 06 January 2024 this provides the following information;
- 17.1. This starts by confirming the details of the fixture, the match was very aggressive *"it quickly became apparent that the ref was not trying to protect the players safety it seemed he was there to observe and get paid"*. In the first ten minutes he alleges it became violent when there was an horrendous challenge which the Referee never gained control of and this *"began to spiral"*.
- 17.2. He then alleges during personal interactions the Referee *"seemed to want to victimise me and bully myself. He made everyone aware of how he wanted to bully me by stopping the game to make me change my shirt due to me having the same number as one of my team mates"*. There were four other members of Owens wearing the same number and when asked about this the Referee had allegedly told him to *"shut up and get on with it"*.
- 17.3. There was a similar incident where an Owens player had been made to leave the field of play to put shin pads on, when he had then mentioned to the Referee about an opponent who was also without the required protective equipment *"he again verbally victimised me and telling me to shut up"*. He discussed this with his manager and captain at half time and adds *"I was able to get over this pettiness and carry on into the second half"*.
- 17.4. The situation then went into *"unsafe grounds"* when he was allegedly *"wiped out from behind in an aggressive tackle which was borderline unsafe"*. This resulted in a 1 cm gash in his calf and he alleges the Referee had *"laughed in my face and tell me to stop being a girl and get on with it"*. He asked the Referee why he was singling him out and not protecting him, there was no verbal discussion and no swear words but he was then dismissed.
- 17.5. As he was walking off, in his frustration, turned around *"walked towards the ref grabbed him by the collar and verbally reprimanded him for his actions"*. He admits *"I understand my actions are wrong and I should not have grabbed"*

him by his collar, however in my 20+ of paying football both Amateur FA and FA I have never witnessed a Ref so hell bent on not protecting players and hell bent on destroying the beautiful game". He also adds "kick it out should apply to both players and Ref and the Refs conduct leading up to the incident needs to be kicked out of football. I do acknowledge my actions as wrong and I am willing to take my consequence I just hope you can understand that this incident could have been avoided by the Refs actions for the first whistle".

18. There is a short response from Ashnah Powell to the charge which notes *"My response to the below charge is: Guilty on a basis that the mitigating factors of the officials behaviour is taken into consideration"*.
19. That concluded the relevant evidence in the case.

Standard of Proof

20. 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

21. For case **11536713M** the charge for Ashnah Powell of Physical contact on a Match Official, a response has been received accepting the charge. The Commission are satisfied the threshold for the charge has been met and have therefore, found the charge as **Proven by admission**.

Previous Disciplinary Record

22. Ashnah Powell's five-year offence history contains 3 standard charges, two of which are for violent conduct and 5 cautions, two of which are sin-bin offences.

Mitigation

23. As the charge has been accepted the *"credit for a guilty plea"* can be awarded; although Ashnah Powell has offered no apology he has accepted their actions

to be wrong. The participant charged has also cited the behaviour of the Referee as a reason for their actions and for this to be considered as mitigation. The alleged actions of the Referee to have victimised him during the game and laughed at him following a challenge is not supported within the other statements provided by Owens.

The Sanction

24. For case **11536713M** for Ashnah Powell relating to the physical contact on the Match Official, the sanction range for this offence is as follows;
 - 24.1. Suspension of 112 days to 2 years with an entry point before considering mitigating and aggravating circumstances of 182 days
 - 24.2. A fine up to £150 with a mandatory minimum of £75
 - 24.3. Mandated FA Education
25. The entry point for the charge is 112 days, a fine of £75 and mandated education. The Commission considered the force of physical contact on the Match Official grabbing them around the neck/throat area with further verbal abuse and the delay in leaving the area of the field of play to be aggravating factors. These have placed the sanction at 546 days, a fine of £135 and mandated face-to-face education. Having considered the offence history and acceptance of the charge in mitigation, the sanction will be;
 - 25.1. To serve a suspension of 420 days from all football activity, backdated to 12 January 2024;
 - 25.2. fined a sum of £105;
 - 25.3. Ashnah Powell is to satisfactorily complete a mandatory face-to-face education programme before the suspension is served or Ashnah Powell be suspended until such time, he successfully completes the mandatory education programme, the details of which will be provided to Ashnah Powell; and

- 25.4. 8 (eight) Club Disciplinary points to be recorded.
26. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
27. Signed...

Steve Francis (Commission Chair)

21 January 2024