

NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Amateur Football Alliance

CORRESPONDENCE HEARING

of

JAKE TYSON

GLYN OLD BOYS

[Case ID: 11619745M]

and

GLYN OLD BOYS

[Case ID: 11619743M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 27th January 2024, Glyn Old Boys (“the “Club”) played a fixture against Rob Roy Rovers First (“Rob Roy”) – collectively the “Match”.
2. The match Official, Mr Matteo Milanese, reported the conduct of Mr Jake Tyson (“JT”) a Club player and the Club.
3. Amateur Football Alliance (“Amateur FA”) investigated the reported incidents.

The Charges

4. On 19th February 2024, Amateur FA charged JT:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour against a Match Official as defined by FA Regulations. This refers to the allegation that Mr Tyson approached the referee in with an intimidatory manner which made the referee feel powerless and/or scared or similar (“the 1st Charge”)
5. On 19th February 2024, Amateur FA charged the Club:
 - 5.1. with misconduct for a breach of FA Rule E20 – It is alleged that Glyn Old Boys First failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative contrary to FA Rule E20.1. This refers to the allegation that during the fixture, players and/or substitutes of Glyn Old Boys First approached the Referee in a manner which made them feel scared and fear for their safety which caused the match to be abandoned and/or it is alleged that Glyn Old Boys First players were verbally abusive towards the match official after the match was abandoned by saying “fuck off” or similar and/or “cunt” or similar and/or “idiot” or similar and/or “fucking asshole” or similar (“the 2nd Charge”)
6. The relevant section of FA Rule E3 states:

“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.”
7. In respect of the Charge against JT, Threatening Behaviour against Match Officials is defined, under *Offences Against Match Officials*, as:

“96.1 Threatening behaviour; words or actions 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 and object at the Match Official”.
8. In respect of the Club, the relevant section of FA Rule E20 states:

“E20 Each ...Club shall be responsible for ensuring that its directors, players, officials, employees, servants and representatives attending any Match do not:

E20.1 behave in a way which is improper, offensive, violent, threatening, threatening, abusive, indecent, insulting or provocative ;

E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it 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...”

9. Amateur FA included with the charge letters the evidence that it intended to rely on in these cases which are being heard as a consolidated matter pursuant to Reg 13 of FA Disciplinary Regulations which provides that “where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked...The Association...shall have the power to consolidate proceedings so that they are conducted together..”.

10. JT and the Club were required to respond to their respective charges by 26th February 2024.

The Reply

11. On 26th February 2024, JT responded to the 1st Charge online via the Whole Game System, admitting the same and he requested that it be determined in his absence at a Correspondence Hearing.

12. On 26th February 2024, the Club responded to the 2nd Charge online via the Whole Game System, admitting the same and they requested that it be determined in their absence at a Correspondence Hearing.

The Commission

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

The Hearing & Evidence

14. I adjudicated this case on 28th February 2024 as a Consolidated Correspondence Hearing (the “Hearing”).

15. I had received and read the bundles of documents prior to the Hearing.

16. 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.

17. The Match Official, Mr Matteo Milanese, provided a Report dated 30th January 2024 in which he states that in the second half of the Match JT approached him with an intimidatory attitude, contesting a decision. JT had walked all the way from defence to do so. He was invited to return to his playing position but did not and was eventually sin binned, to which he responded with “that’s disgusting”. A Club player who wasn’t identified on the team sheet mocked his decision and called him a “cunt” – he too was sin binned. The Club Goalkeeper then ran towards him shouting “ref what are you doing – your ruining the game”. He too was sin binned. At this point the whole team, substitutes included invaded the pitch and started to come towards him. He became scared and feared for himself and his safety. He walked away and abandoned the Match. Having done so the Club players started calling him names which made him feel

powerless . He shouted back at them and this seemed to work as the Club players retreated. Mr Milansei need to take two weeks off refereeing to recover from this experience.

18. As part of the investigation in to the incident, Amateur FA asked Mr Milansei what names he had been called. In an email response dated 31st January 2024 he stated that he had been called “cunt”, “idiot”, “fucking asshole” and he had been told to “fuck off” by Club players. He also stated that around 4/5 people had invaded the pitch and come towards him. In addition, the actions of JT had made him feel sacred and powerless.
19. Mr Gregor Smith, Rob Roy Manager provided an email Statement dated 27th January 2024 in which he states that following a second Club player being sin binned he heard the Referee being called a “cunt” by a Club player who was also sent to the sin bin. The Club Goalkeeper came out of his goal and approached the Referee. He said something, but Mr Smith could not hear what. He too was sin binned. This resulted in the Club sideline lambasting the Referee. The Referee was clearly upset and abandoned the Match. The Referee “lost his cool” and shouted at the Club players saying they had no respect. The shouting continued until the Referee moved away. He approached the Referee and discussed the situation. The Referee expressed his disappointment at being assigned the fixture as he had experienced issues with the Club in a previous fixture.
20. Mr Sam Gibson, Club Manager, provided an email Statement dated 2nd February 2024 in which he states that JT’s reaction to the Referee was “nothing out of the ordinary” in grassroots and professional football. He goes on to say that the players and substitutes entering the field of play and approaching the Referee such as to cause him to fear for his safety is “a slight over exaggeration”. On the allegation that Club players were verbally abusive, he states that this is “slightly hypocritical”. The Referee “got back what he was given”. He further states that the Referee was not in control of the Match and relied too heavily on his cards.
21. That concluded relevant evidence in this case.

Standard of Proof

22. 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

23. Both JT and the Club admitted the charges raised. Credit will be given for the guilty pleas.
24. In respect of the 1st Charge, liability was pre-determined by the guilty plea. Therefore, in respect of the charge of misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour), I found this to be PROVEN.
25. In respect of the 2nd Charge, liability was pre-determined by the guilty plea. Therefore, I found the charge of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion PROVEN.

Previous Disciplinary Record

26. After finding the charges proven, I sought the participants offence history. I note that JT has a previous misconduct charge in respect of Improper Conduct against a Match Official (including abusive language/behaviour) in January 2022. In respect of the Club, I note that there are previous proven E20 charges in September 2021 and January 2022.

Mitigation

27. There is no mitigation within the bundle from either JT or the Club.

The Sanction

28. In respect of JT, the relevant FA Disciplinary Regulations on sanction (Regulation 101.7.1) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 56 days and 182 days. There shall also be an order that the participant completes an education programme before the time based suspension is served.

29. Regulation 102 provides factors to be considered when determining sanction. In that regard I note that the conduct of JT caused the Referee to feel powerless and scared. This merited a sanction of a suspension of 112 (one hundred and twelve) days. This was aggravated to 142 (one hundred and forty two) days by JT's previous disciplinary record. Sanction was reduced by one third on the basis of the guilty plea.

30. After taking into consideration all the circumstances in this case, Mr Tyson is:

30.1. to serve an immediate suspension from all football and football activities for 94 (ninety four) days;

30.2. fined a sum of £60 (sixty pounds);

30.3. to satisfactorily complete an online mandatory education programme before the time-based suspension is served, or Mr Tyson be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him; *and*

30.4. 8 (eight) Club Disciplinary Points to be recorded.

31. In respect of the Club, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E20.1 is a fine between £0 - £300. I placed the conduct of the Club players at the higher end in respect of sanction, noting the repeated comments made to the Referee and the on field confrontation. This merited a sanction of a fine of £140 (one hundred and forty) pounds. This was further aggravated by the previous disciplinary record to £160 (one hundred and sixty) pounds. Sanction was reduced by one third to reflect the guilty plea and the Club is:

31.1. fined a sum of £105 (one hundred and five pounds);

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

Signed...

Karen Hall F.C.Inst.L.Ex (Chair)

28th February 2024