

**IN THE MATTER OF
MIDDLESEX FOOTBALL ASSOCIATION/AMATEUR FOOTBALL ALLIANCE**

-v-

**OLD ISLEWORTHIAN
(CASE REFERENCE 11631814M)**

AND

**AFC HEATHROW FC
(CASE REFERENCE 11631593M)**

AND

**LUKE GASSER-BOWER
(CASE REFERENCE 11631687M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISIONS
THURSDAY 14th MARCH 2024**

Warning – This document contains offensive and/or discriminatory language.

INTRODUCTION

1. These are written reasons for the findings of a consolidated Disciplinary Commission ('the Commission'), held on behalf of Middlesex FA (MFA) and the Amateur Football Alliance (AFA) on Thursday 14th March 2024. The Commission met by video conference (Microsoft Teams) to consider misconduct charges against Old Isleworthians (OI), AFC Heathrow FC (Heathrow) and Luke Gasser-Bower (LG-B) a registered player with Heathrow. The offences are alleged to have occurred on Saturday 3rd February 2024, during a fixture ('the game/match') between OI Reserves and Heathrow in the Jeff Nardin Division of the Middlesex County League.

Comment: in accordance with FA Disciplinary Regulations (The FA Handbook Season 2023-2024, Chapter 11, Part A, Paragraph 13), because the alleged offences were sufficiently linked and there is common evidence, all charges were considered by the same disciplinary panel.

PARTIES

2. The Commission members were Anthony Rock (Chair), Jairo Marin and Shamini Nainappan Grayson, all members of the FA's National Serious Case Panel.

3. Richard Pallot, a member of the FA's National Secretaries Panel, acted as Secretary to the Commission.
4. In attendance as an observer was the Heathrow Chairman, Daniel Theobald.

MISCONDUCT CHARGE NOTIFICATIONS

5. By AFA Misconduct Charge Notification, dated 28th February 2024, the following charge was raised:
 - a. **Charge (OI)** - FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.
6. By MFA Misconduct Charge Notifications, both dated 28th February 2024, the following charges were raised:
 - a. **Charge (Heathrow)** - FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.
 - b. **Charge (LG-B)** - FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour).

FA RULE E3

7. The relevant section of FA Rule E3 (The FA Handbook Season 2023-2024, Chapter 10, Part E) states:

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.

FA RULE E20

8. The relevant sections of FA Rule E20 (The FA Handbook Season 2023-2024, Chapter 10, Part E, Paragraph E20) state:
 - a. E20: Each Affiliated Association, Competition and 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, 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.

BASIS OF THE CHARGES

9. **OI:** it is alleged that during the fixture OI players and/or coaches were involved in a mass confrontation with opposition players and/or coaches which caused the match to be abandoned. And/or it is further alleged that OI players used language and/or behaviour that made reference to disability. This refers to the comment, '*fucking retard*' or similar.
10. **Heathrow:** having reviewed the evidence presented to the Association, it is deemed that the actions of the Heathrow players/officials being involved in a mass confrontation was contrary to FA Rule E20. It is alleged that they did not conduct themselves in an orderly fashion.
11. **LG-B:** it is alleged that LG-B used threatening and/or abusive and/or indecent and/or insulting language/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 LG-B verbally abused the Referee and threatened him with violence. The alleged comments include, '*this is all your fault you fucking cunt*' and '*what are you going to do about it*'.

PLEAS

12. On 4th March 2024, OI pleaded guilty to the charge and requested attendance at a personal hearing to present a verbal plea for leniency.
13. On 6th March 2024, Heathrow pleaded not guilty to the charge and requested a personal hearing.
14. On 6th March 2024, LG-B pleaded not guilty to the charge and requested a personal hearing.

Note 1: the Commission noted that written reasons are required where there is an aggravated element to the charge, or for any serious case involving an assault or physical contact or threatening behaviour towards the Match Officials or for any personal hearing involving assault by participant on participant. In the above cases this would apply to the charges against OI and LG-B. However, for completeness, the Commission deemed it appropriate to also document the charge and findings in the case against Heathrow.

Note 2: prior to the hearing the Chair, in the presence of the Commission Members, discussed with Heathrow's representative (Matthew Diryawish) their not guilty plea. After accepting that at least one of their players failed to conduct himself in an orderly fashion, the Club requested their plea be changed to Not Guilty and they be allowed to submit a plea for leniency. The Commission allowed the change of plea and allowed the Club to submit a plea for leniency.

Note 3: two witnesses from Heathrow who were due to give evidence did not attend the hearing (Romaine Hylton and Shaquille Ishmael). Despite several attempts by the Commission Secretary, they could not be contacted.

WRITTEN EVIDENCE

15. The written evidence available to the Commission consisted of:

- a. E-mail correspondence dated 3rd, 5th 7th and 8th February 2024, between Nuno Matias (OI Chairman and Match Referee), Stephen Hosmer/Antony Cox (League Officials) and Robert King (Amateur Football Alliance).
- b. Various e-mails dated 9th February 2024, between Nuno Matias and Robert King. These e-mails included a match report from Nuno Matias.
- c. OI and Heathrow team sheets from the match.
- d. E-mail exchanges dated 9th, 15th, 21st, 22nd, 23rd and 26th February 2024, between Steve Smith (OI Secretary) and Robert King.
- e. Various statements submitted by OI players/officials (Barry Martin, Colin York, Bradley Ross Rance, Jamie Newman, Ian Murphy and Taylor Smit).
- f. Various statements submitted by Heathrow players/officials (Matthew Diryawish, Duquan Maitland, LG-B, Shaquille Ishmael, Romaine Hylton),
- g. E-mail exchanges dated 15th, 19th and 22nd February 2024, between Matthew Diryawish and Robert King. These e-mails provided clarification regarding the alleged aggravated comments made during the match, and what yellow and red cards were issued.
- h. Video evidence from the match.
- i. AFA/MFA Misconduct Charge Notifications (three in total) all dated 28th February 2024.

VERBAL EVIDENCE IN SUPPORT OF THE CHARGE AGAINST LG-B

16. In support of the charge, and in addition to his written submissions, the Commission heard verbal evidence from the Referee (Chairman of OI), Nuno Matias:

- a. The Referee said that no qualified referee was appointed to the game so he stood in to officiate. He went into the away team dressing room to explain the situation. The away team agreed that he would '*do the game*'. During the game he thought the players

generally accepted his decision making. Heathrow were by far the better team. The Heathrow Captain complained about a number of his decisions. The Referee thought he needed to take action against the Captain so sent him to the sin bin. The player did not argue with the Referee's decision.

- b. Heathrow were winning 3-1 when, in about the 60th minute, he awarded a penalty to OI. A number of the Heathrow players gave him verbal abuse, shouting that he was a cheat. He wasn't able to identify which players were shouting the comments. The Heathrow goalkeeper, LG-B, was one of the players who disputed the penalty decision. The Referee walked towards the goalkeeper and told him to stay on his line until the penalty had been taken. The goalkeeper responded by telling the Referee to *'get out of my face you fucking cunt'*. Despite the Referee continuing to tell the goalkeeper to stay on his line, the goalkeeper kept moving forward towards him. The Referee told him to stop, at which point the goalkeeper said, *'What are you going to do about it?'* The Referee said that he and the goalkeeper were about 2 metres away from each other. At one point, when the goalkeeper moved towards him, they were about a metre apart. The Referee said he continued to tell the goalkeeper to stay on his line.
- c. The Referee said the goalkeeper was much younger than him and looked bigger, but he thought they were about the same height and broadly were at the same eye level. He didn't feel threatened by the goalkeeper and at no time did he think the goalkeeper was going to hit him or do anything violent towards him. The goalkeeper was wearing gloves and when approaching the Referee he did so with his arms apart in an open stance. The Referee was a little surprised that the goalkeeper kept moving forward towards him. He thought he was probably frustrated with the penalty decision. Their verbal altercation lasted for about 5-10 seconds. After a few seconds, the Referee said he turned around to see what was happening towards the touchline where a number of players were involved in a melee. The goalkeeper then ran past him towards the crowd of players and started to push and shove some of them.
- d. The Referee was asked specifically how many red cards he issued during the game, and if any of the red cards were for LG-B, the Heathrow goalkeeper. The Referee said that he had sent off three of the Heathrow players, including LG-B. Unfortunately, he was not able to show any red cards because he didn't have any. He tried many times to inform the players, including LG-B and the Heathrow Manager, that they had been sent off but no one was listening to him. He said it was possible that LG-B didn't hear him and that his focus was more on the melee rather than what the Referee was saying. The Referee said that LG-B's red card was for a combination of factors, including the comment he had made to the Referee before the penalty was taken and for running into the crowd and pushing people.

Comment: at this point the Commission adjourned to discuss the charge of Improper Conduct against LG-B. The Commission determined that the Referee was correct in sending him off (on-field decision). The Referee made it clear to the Commission that the reason he had dismissed LG-B was a combination of factors, including LG-B shouting at him at the taking of the penalty kick and his involvement in the melee. However, there was no evidence to support an additional charge of misconduct (Improper Conduct against a Match Official - including threatening and/or abusive language/behaviour). At this point the Commission dismissed the Improper Conduct charge against LG-B.

COMMISSION FINDINGS IN THE CASES AGAINST IO AND HEATHROW

17. The burden of proof is on the County FA, meaning it is for AFA/MFA to prove each case to the appropriate standard. The applicable standard of proof in these cases is the civil standard of the balance of probability. The balance of probability standard means that the Commission must be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.
18. Given that OI and Heathrow pleaded guilty to the club charges under FA Rule E20, the issue for the Commission was not to deliberate on points of fact/probability, but to determine the sanctions to be imposed. The Commission accepted the guilty plea from both Clubs, and took into consideration the verbal pleas for leniency submitted by Barry Martin (OI) and Matthew Diryawish (Heathrow).

FA SANCTION GUIDELINES/CATEGORISATION OF THE OFFENCES

19. The Commission noted the FA Sanction Guidelines and determined the categorisation of offence, before then considering OI's and Heathrow's disciplinary records and any mitigating/aggravating factors.
 - a. **OI:** FA Guidelines/Regulations for the 2023/2024 Season regarding the sanction for a proven charge under FA Rule E20: a fine of between £0-300. Given the aggravated nature of the charge and their players involvement in a mass confrontation which caused the game to be abandoned, the Commission initially placed the offence by OI in the High category, attracting a fine of between £140-300.
 - b. **Heathrow:** FA Guidelines/Regulations for the 2023/2024 Season regarding the sanction for a proven charge under FA Rule E20: a fine of between £0-300. Given the serious nature of the charge, the Commission initially placed the offence by Heathrow in the High category, attracting a fine of between £140-300.

DISCIPLINARY RECORDS/MITIGATING/AGGRAVATING FACTORS

20. The Commission noted that OI has two teams and have no previous proven charges of misconduct under FA Rule E20/E21. The Commission noted the Club's guilty plea and their plea for leniency. The Commission also took into consideration the seriousness of the offence, the fact that their players/officials had been involved in a mass confrontation which caused the game to be abandoned, and the aggravated nature of the offence.
21. The Commission noted that Heathrow has two teams and two previous proven charges of misconduct under FA Rule E20/E21 (June 2021 fined £80 and October 2022 fined £100). The Commission noted the Club's guilty plea and their plea for leniency. The Commission also took into consideration the seriousness of the offence and the fact that their players/officials had been involved in a mass confrontation. The Commission noted that the charge against Heathrow made no mention of them causing the match to be abandoned, something which they were clearly guilty of. The Commission felt unable to consider this as an aggravating factor.

SANCTIONS

22. The Commission concluded that the following sanctions are to be imposed:
- a. **OI:** to be fined £140.
 - b. **Heathrow:** to be fined £125 and Warned as to their Future Conduct.

RIGHT OF APPEAL

23. In accordance with FA Regulations there is a right of appeal against the decisions.

Anthony Rock (Chair)
Shamini Nainappan Grayson
Jairo Marin

Wednesday 20th March 2024