

# **Football Association Disciplinary Commission**

**The Football Association on behalf of Amateur Football Alliance**

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**Erikson Gaspar – Case ID: 11661960M**

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## **WRITTEN REASONS**

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### **INTRODUCTION:**

1. This is a hearing summary and includes written reasons for the decision of the disciplinary commission (the commission) which sat alone on Monday 15 April 2024.
2. The commission was a non-personal hearing chaired by Bill Stoneham (National Serious Case Panel).
3. The following is a written record of the main points considered by the commission. It is a summary of the main evidence presented and is not intended to refer to all the points made in the evidence presented. The absence in these reasons of any particular point, or piece of evidence, should not imply that the commission did not consider any such point or evidence. For the avoidance of doubt, the commission carefully considered all the evidence that was submitted.

### **THE CHARGE:**

4. The charges in question arose following a fixture between East Finchley International FC (the club) v North West Wolves First FC (the opposition) in the Barnet Sunday Football League, played on Sunday 17 March 2024.
5. Amateur Football Alliance issued a charge letter dated 2 April 2024. In this letter, Erikson Gaspar (club player) was charged as follows: FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour). It is alleged that Erikson Gaspar 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 Gaspar pushed the referee in the chest area, or similar, and/or when the referee tried to show him a red card, Mr Gaspar tried to knock the card(s) out of the referee's hand, or similar. Owing to the serious nature of the charges, the player was served an interim suspension order (ISO) on 2 April 2024.

## **EVIDENCE:**

6. Amateur Football Alliance provided the following evidence in relation to the charge:
  - I. An Extraordinary Incident Report Form dated 17 March 2024 submitted by John Noblemunn (match referee);
  - II. an e-mailed statement dated 20 March 2024 submitted by the referee;
  - III. an e-mailed statement dated 21 March 2024 submitted by David Griffiths (opposition club manager);
  - IV. an emailed statement dated 25 March 2024 submitted by Fiona Doyle (club manager and chairperson);
  - V. assorted items of email traffic between Melanie Armstrong (AFA) and Fiona Doyle (club manager and chairperson) offering advice to the club on disciplinary procedures and endeavouring to establish the details of disciplinary procedures undertaken by the referee during the game;
  - VI. a further emailed statement dated 27 March 2024 submitted by the match referee endeavouring to clarify the disciplinary action taken during the game;
  - VII. an emailed statement dated 25 March 2024 submitted by Erikson Gaspar (charged participant);
  - VIII. a lengthy but undated statement submitted by Fiona Doyle (club manager and chairperson)
  - IX. on 9 April 2024, the AFA received a response from the club/player via WGS denying the charge and requesting that it be considered by correspondence.

## **DETERMINATION**

7. The commission reminded itself that the burden of proving these charges falls upon Amateur Football Alliance. The applicable standard of proof required for these cases is the civil standard of proof, namely the balance of probability. This standard means that the commission would be satisfied that an event occurred if it considered that, on the evidence presented, it was more likely than not to have happened.

8. The assessment of the evidence in such cases is entirely a matter for the commission. The commission must assess both the credibility and the reliability of all of the evidence placed before it.
9. Following a review of the written evidence, the following points were deemed significant:
  - I. The referee's report stated that in the 92<sup>nd</sup> minute he attempted to caution Erikson Gaspar. As he did so, the player approached him and pushed him in the chest. The referee then tried to show the player a red card for violent conduct. The player responded by aggressively knocking the card from the referee's hand. The player then retired to the dressing rooms.
  - II. In emailed correspondence with the AFA, the referee stated that the push was aggressive but that he remained standing. The card was aggressively slapped from his hand and the player threaten to punch him.
  - III. The events described in objective detail by the referee are echoed in the statement offered by David Griffiths, the opposition club manager. He added: '(we) regard him as one of the better refs the Barnet League have within their system. I appreciate that he was composed enough to allow the game to continue and not abandon a good game between two good sides'.
  - IV. The initial response from the club manager/chairperson is largely irrelevant. It does not address the allegations against her player and frequently refers to events in previous games involving this referee. Some of which do not involve her club. The approach of this submission is to endeavour to re-referee this game (and previous games). Not only is this subjective approach superfluous the referee has not been subject to any charge from the AFA.
  - V. Though the charge has been denied, the following statement is contained within this submission: 'It is my belief that he (Erikson) was provoked and goaded into the situation he found himself in. He is not proud of his behaviour, and neither am I as his manager. He was sincerely apologetic to me after the game and extremely disappointed at the events that had unfolded'. She later adds: '....I don't condone his behaviour in any way whatsoever'. The rest of the submission reverts to being critical of the referee and suggesting that he was the cause of the issues.
  - VI. There is a considerable amount of e-mail traffic between the AFA, the club, with some input from the referee. The commission determined that, at best, this is no more than game context that has precious relevance to this case and the charge levied against Mr Gaspar.
  - VII. Erikson Caspar's submission is lengthy and is little more than a rant against the referee. It rarely refers to the charge faced. However, he

does state: 'He (the referee) was holding his card wallet in his hands, and I did knock them out of his hands onto the floor. I know that this is wrong...' He later asserted that the referee was 'using his power to bully people'. Towards the end of his statement, he commented: 'I am upset that I behaved in the manner that I did but I strongly believe that the ref incited the incident with his poor attitude and looking for confrontation throughout'. The player does not address the allegation of pushing the referee in any part of his submission.

- VIII. The final submission from Fiona Doyle is a further attempt to defend her player's actions by heavily criticising the referee, his performance and conduct. She acknowledged that her player's actions were unacceptable, but she is selectively vague in stating exactly what her player did. Again, she endeavours to re-referee the game and focus on her perceptions of the referee's performance which she believed inadequate. She ignores the fact that the referee has not been charged. Moreover, as the player/club opted for a hearing by correspondence, the commission were unable to question the referee about the statements made against him. Much that been presented can be viewed as mitigation, rather than evidence that might be used in defence of the charge levied. Included in her submission is a statement acknowledging that her player 'needs to face a punishment'.
10. The issue facing the commission is that much of the written evidence is a lengthy diatribe about the quality and personality of the referee; yet the opposition manager credits the referee for his calmness and his performance. The referee's own account is clear and concise and, though the charge has been denied, both the player, and his manager, accept that at the very least he knocked the red card from the referee's grasp. His manager also acknowledged that her player swore. In none of the defensive submissions, however, is reference made to the pushing allegation. The commission was surprised that this aspect of the alleged charge was never directly addressed.
  11. Based on the balance of probability, it is the commission's verdict that Erikson Caspar's conduct against the referee was improper and that this included physical contact and attempted physical contact and the use of abusive language. The commission is content that Erikson Gaspar both knocked a red card from the referee's hand and pushed him in the chest. Both acts were conducted in an aggressive manner. Partly because of their own omission, but also based on other evidence provided, the charge against Erikson Gaspar is **proven**.
  12. In reaching this decision, the commission recognised that with the case being dealt with by way of correspondence, it was unable to evaluate the evidence through questioning of any witnesses. Thus, it could only consider the account of each witness against the totality of the documentary evidence submitted.
  13. The commission sought the player's disciplinary record covering the previous five seasons. Prior to the current season, there were no offences listed. During

this season, including this fixture, the player has accrued two cautions, and two misconduct charges.

14. Erikson Caspar's previous impressive disciplinary record was considered to be a key mitigating factor by the commission. It was further noted that though the player officially denied the charge, in written statements supplied by both the player and his club, the allegations were, in part at least, accepted.
15. In terms of aggravating factors, the player has shown remorse by apologising to his club, but he has offered no apology to the match official. Indeed, in their submissions both the club and the player have tried to besmirch the referee's reputation. The player even claims that the referee adopted bullying tactics. The alleged offence is a most serious one, and the player's disciplinary record, which impressed the commission, does not warrant full mitigation because of the lack of responsibility shown by the player. He partly accepts his wrong behaviour, but he failed to address the issue of pushing the referee or the language he used. The evidence available indicated that Erikson Gaspar was aggressive in his approach to the referee.

## **OUTCOME:**

16. For a proven charge of this nature, FA Regulations state that the sanctioning range shall be a suspension from all football activities for a period of between 112 days and two years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days. There shall be a fine of up to £150, with a mandatory fine of £75. The participant shall also be expected to complete an education programme before the time-based suspension is served, or within twenty-eight days of the disciplinary commission's decision, whichever is the later.
17. Having considered all the facts in this case, including the player's hitherto creditable disciplinary record, the decision of the commission is that **Erikson Gaspar** shall be:
  - I. Suspended from football and all football related activity for two hundred and seventeen (217) days. The starting date of this suspension is backdated to 02 April 2024, the date Erikson Gaspar was originally placed on an interim suspension order.**
  - II. fined the sum of one hundred (£100-00) pounds;**
  - III. ordered to complete a face-to-face education programme before the end of this suspension if Erikson Gaspar wishes to return to football in any capacity. Failure to comply with this order will result in a sine-die suspension being issued against the player until he has fulfilled this order in its entirety;**
  - IV. ten disciplinary points are applied against the player's club;**
  - V. these sanctions are in addition to any that might have already been applied by Amateur Football Alliance.**

**VI. The length of the suspension was calculated as follows: Entry point of one hundred and eighty-two (182) days reduced by twenty-eight (28) days in recognition of the player's previous disciplinary record. Thirty-five (35) days were added because of the player's on-field aggressiveness and another twenty-eight (28) days were added for his attempts to besmirch the referee's reputation and the lack of responsibility he has displayed for his unacceptable actions.**

18. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

Bill Stoneham

Chairperson

15 April 2024.

## **CONSOLIDATED CASE**

### **Emre Bora (11681956M)**

#### **East Finchley International FC**

Arising from the same fixture, Emre Bora, a player for East Finchley International FC, was charged under FA Rule E3 – Improper Conduct (not including threatening and/or abusive language/behaviour). It is alleged that during this fixture Mr Bora was shown two yellow cards and consequently a red card for persistent dissent.

On 9 April 2024, The AFA received a statement via the WGS from the club/player denying the charge and requesting that the allegation be dealt with by correspondence.

The referee's report dated 17 March 2024 is clear about why he dismissed Mr. Bora. The grounds for the club/player not accepting the charge are unclear. In an email submitted to The AFA on 28 March 2024 by Fiona Doyle (club manager/chairperson) she acknowledged that Emre Bora was cautioned twice. Ms Doyle made a number of other submissions, but the commission could not find anything pertinent to this case. The commission, therefore, concluded that the case against Mr Bora is **proven**.

The commission placed this offence in the low category and sought the player's disciplinary record based on the previous five seasons. He had only ever received one previous caution. His pleasing record was noted by the commission.

For an offence of this nature placed in the low category, the sanction range is a match suspension of 0 to 1 game and a financial sanction of £0 - £20. The commission took note of the player's pleasing disciplinary record, but noted that no other mitigation had been supplied. There were no seriously concerning aggravating factors. Having considered all the facts in this case, the commission determined that **Emre Bora** shall be:

- I. suspended from football for one (1) match;**
- II. fined a sum of fifteen (£15-00) pounds;**
- III. five disciplinary penalty points awarded against his club;**
- IV. these sanctions are in addition to any sanctions that might already have been imposed in relation to this game by the AFA.**

There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

Bill Stoneham

Chairperson

15 April 2024