#### IN THE MATTER OF

### **BERKS & BUCKS FA**

**AND** 

#### **SURREY FA**

-V-

# MICHAEL HAYNES (CASE REFERENCE 11063477M)

**AND** 

# LEE GRIFFITHS (CASE REFERENCE 11069630M)

# REASONS FOR DISCIPLINARY COMMISSION DECISIONS TUESDAY 7<sup>th</sup> FEBRUARY and TUESDAY 28<sup>th</sup> FEBRUARY 2023

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 Berks & Bucks FA (B&BFA) and Surrey FA (SFA) on Tuesday 7<sup>th</sup> February and Tuesday 28<sup>th</sup> February 2023. On both occasions the Commission met by videoconference (Microsoft Teams) to consider misconduct charges against Michael Haynes (MH) a Club Referee from Eldon Celtic Juniors Under 15s Elite (Eldon) and Lee Griffiths (LG) a Club Assistant Referee from Mytchett Athletic U15 Kestrels (Mytchett). The offences are alleged to have occurred during a fixture ('the game/match'), in the East Berks Football Alliance League on Saturday 3<sup>rd</sup> December 2022.

**Comment:** In accordance with FA Regulations (The FA Handbook, Season 2022-2023, Chapter 11, Part A, Paragraph 13), because the offences were alleged to have been committed in the same match, all charges were considered by the same disciplinary panel. Due to the number of witnesses giving verbal evidence the hearing was held over two evenings.

### **PARTIES**

- 2. The Commission members were Anthony Rock (Chair), Ashley Brown and Jaswant Narwal, all members of the FA's National Serious Case Panel.
- 3. Shane Comb (Wiltshire FA), a member of the FA's National Secretaries Panel, acted as Secretary to the Commission.
- 4. The Mytchett Chairman/Secretary, Stuart McKay, was in attendance as an observer throughout both evenings.

# **MISCONDUCT CHARGE NOTIFICATIONS**

- 5. By B&BFA Misconduct Charge Notification, dated 16<sup>th</sup> January 2023, the following charges were raised:
  - a. **Charge 1 (MH)** FA Rule E3 Improper Conduct Assault or Attempted Assault on a Match Official.
    - Alternate Charge 1 (MH) FA Rule E3 Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
- 6. By SFA Misconduct Charge Notification, dated 16<sup>th</sup> January 2023, the following charges were raised:
  - Charge 1 (LG) FA Rule E3 Improper Conduct Assault or Attempted Assault on a Match Official.
    - Alternate Charge 1 (LG) FA Rule E3 Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

## **FA RULE E3**

- 7. The relevant section of FA Rule E3 (The FA Handbook Season 2022-2023, 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.

# **CHARGES**

- 8. MH: It is alleged that MH 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 is further alleged that this constitutes Assault or Attempted Assault against a Match Official as defined in FA Regulations. This refers to the allegation that MH punched, attempted to punch and/or pushed the Mytchett Club Assistant Referee, LG. An alternate charge was also raised for Improper Conduct (Physical Contact or Attempted Physical Contact on a Match Official).
- 9. **LG:** It is alleged that LG 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 is further alleged that this constitutes Assault or Attempted Assault against a Match Official as defined in FA Regulations. This refers to the allegation that LG punched, attempted to punch and/or pushed the Eldon Club Referee, MH. An alternate charge was also raised for Improper Conduct (Physical Contact or Attempted Physical Contact on a Match Official).

# **PLEAS**

- 10. On 16<sup>th</sup> January 2023, via the FA's Whole Game System (WGS), MH pleaded not guilty to both charges and requested a personal hearing.
- 11. On 22<sup>nd</sup> January 2023, via the FA's WGS, LG pleaded not guilty to both charges and requested a personal hearing.

### WRITTEN EVIDENCE

- 12. The written evidence available to the Commission consisted of:
  - a. Statements dated 3<sup>rd</sup> and 4<sup>th</sup> December 2022, submitted by Mytchett club officials and spectators (Graham Hall, Richard Engelbrecht, Jenny Beatty, Gail Stubbs, Kevin Pawadyira, Mark Mansfield and Karen Everett).
  - b. Statement dated 4<sup>th</sup> December 2022, submitted by the accused, LG.
  - c. Undated statement submitted by the accused, MH.
  - d. Statements submitted on 6<sup>th</sup> December by Eldon club officials and spectators (Patrick Moore, Hayley Townsend, David Artwell, Linda Watson and Natalie Haynes).
  - e. Additional evidence submitted by Eldon club officials and spectators (David Artwell, Hayley Townsend, MH and Natalie Haynes).
  - f. B&BFA Misconduct Charge Notification (MH) dated 16<sup>th</sup> January 2023.
  - g. SFA Misconduct Charge Notification (LG) dated 16<sup>th</sup> January 2023.

#### FIELD OF PLAY

13. At the start of verbal evidence, using an electronic schematic field of play, the Chair sought agreement from MH and LG as to where they were standing at the final whistle and on what area of the pitch the confrontation between the two of them took place. Whilst they disagreed about the specific location of the Eldon and Mytchett spectators, there was general agreement that this was a fair representation of where people were standing. The schematic was used throughout the hearing.

**Note:** the Commission first heard from the two participants. All witnesses, apart from Carl Bowen, had submitted written evidence.

### **VERBAL EVIDENCE - MH**

- 14. MH gave the following verbal evidence.
  - MH's wife, Natalie, asked him to Referee the match. It was a spirited game. During the first half the Mytchett linesman, LG, was very vocal, commenting loudly on his decisions. He was saying things like; that was shit, be fair Ref, that was crap and you are a terrible referee. Mytchett players were also vocal but none of their coaches/managers did anything about it. MH said he should have abandoned the game but just wanted to get it played. He spoke to the managers and LG about their behaviour. He wasn't angry and had control of what was happening. He wasn't aggressive or bias. It was a strong game but after 70/80 minutes it was still 0-0. Further, any suggestion that he had broken LG's tooth was not true. He denied pushing LG.
  - At halftime, he was standing in the centre circle when LG approached him. LG was verbally insulting the kids. MH knew he wasn't in a happy mood. LG aggressively put his arm round him, squeezed his neck, called him a cheat and said that he should be fair to both teams. MH was shocked and told him to get off, go away and, as linesman, just do what he was there to do. LG went away. In the second half LG continued to carry on, making jokes and mocking some of MH's decisions.
  - At the final whistle, MH went towards the corner flag where his wife (Natalie) and the Eldon Chairman (Dave Artwell) were standing. He was still on the pitch when he saw LG hurrying towards him. When asked why, in his written evidence, he had stated that LG had run 30 yards towards him, shouting abuse, MH replied that on reflection it was more like a quick/hurried walk than a run. As LG approached, MH heard him cursing and making aggressive comments. His language was unacceptable. LG put the flag into MH's hand and said that he was a piece of shit. MH felt scared. He couldn't remember having both flags in his hand or just the one from LG, but he was sure the flag(s) were in his left hand. LG moved forward, leading with his chest and put his head into MH's face. The force of

LG's head made MH fall backwards and his glasses came off. Whilst he initially told the Commission he fell backwards, he later said it was more of a stumble. He thought LG had headbutted him. He pushed LG away. He remembered wanting his glasses back because he couldn't see properly. He later picked up his glasses but the lens was broken. LG approached him a second time and swung a punch, making contact. MH again pushed him off. The crowd then intervened and held LG back. Things calmed down.

- When asked in detail about the punch, he said that maybe a punch had been thrown, he wasn't sure. MH told the Commission he was 5' feet 11" and thought LG was slightly taller. When LG asked him, during the Commission, why he was claiming to have been punched, MH said that it wasn't a claim, LG had punched him. He didn't know why other statements from Eldon witnesses did not state that LG had punched him.
- MH made his second statement in mid/late January 2023, a number of weeks after the game. He had taken legal advice and been told that he should add clarity to his first statement. MH reported the incident to the East Berks League and to the County FA.

# **VERBAL EVIDENCE - LG**

- 15. LG gave the following verbal evidence.
  - At halftime, one of the Mytchett players was injured. LG walked over to the Referee and, in a calm, quiet manner put his arm on the Referee's back and asked him what was going on. He didn't squeeze the Referee's neck, wasn't swearing or being aggressive and wasn't trying to undermine him. As a company CEO it wasn't in his nature to do that. Whilst his approach to the Referee may have been over friendly, it certainly wasn't strange or intimidating. The Referee reacted aggressively, told him to get out of his face and offered him the whistle. The Referee was very hostile. LG back pedalled and walked away. A number of the Mytchett parents, within earshot of the conversation, asked him why the Referee was being so rude.
  - None of the Mytchett coaches were laughing, smirking or making comments to the Referee during the first half. The only people to make comments were the players, who were not happy with some of the Referee's decisions. He personally did not make any comments to the Referee. During the second half the Referee did not ask him to leave the pitch. When Eldon scored the winning goal they started screaming at the opposition players, particularly the Mytchett goalkeeper. Whilst LG did not agree with a number of the Referee's decisions, he didn't get frustrated or annoyed. He wasn't that sort of person.
  - At the end of the game LG walked over to the Referee and handed back his flag. There was

an exchange of words. LG told the Referee that he was shocking. The Referee told him to fuck off. LG then called him a piece of shit. MH asked him what he had just said and moved towards him. They were stood nose to nose when MH bumped LG's chest and punched him. It was a flailing punch. It caused a knuckle mark on LG's cheek and broke his tooth. Although the punch was very hard, LG wasn't knocked over. He hadn't been punched like that for over 40 years. LG then turned towards the Eldon official who was close by (now known to be the Eldon Chairman, David Artwell) and said, you saw that. The Referee was frothing at the mouth and threatened to kill LG. He'd lost it and had to be restrained by about five people, probably parents. He admitted that it was a mistake to tell the Referee that he was shocking and a piece of shit. In hindsight he should have just handed back the flag and walked away. He accepted that his comments were the catalyst for what happened. LG said he is nearly 6 feet tall, slightly taller than the Referee.

- LG's son saw the incident and was spoken to by the Club Welfare Officer. LG said that throughout his time in football he has never been abused, and has never been involved in anything like this. It was crazy that people could say anything and get away with it. He was astounded and shocked by Eldon's accusations against him. It was ridiculous that people were suggesting he ran across the pitch to confront the Referee.
- LG didn't think the injury was noticeable, but in the car after the game his son told him that his lip was bleeding. LG took photographs of the injury on his phone but did not submit them. He didn't think it was relevant. He offered to show the Commission the photographs, which clearly showed a blemish on his chin/face. As they were not submitted as part of the evidence, he was not allowed to do so. LG said he was due to see a dentist for his broken tooth on 8<sup>th</sup> May this year.

### **VERBAL EVIDENCE - ELDON WITNESSES**

16. The Commission heard from five Eldon witnesses (Dave Artwell, Natalie Haynes, Hayley Townsend, Linda Watson and Patrick Moore).

#### 17. Dave Artwell - Eldon Chairman:

• Dave submitted a second written statement, in mid-January 2023, because MH had asked him to be more specific about what had happened. MH had not guided him about what to say and they had not discussed the statement's content. He hadn't discussed the content with any other person. He had only watched the last 10-15 minutes of the game and accepted that he couldn't give a very good assessment/understanding of the match as a whole. During those 10-15 minutes he didn't hear the Referee being abused or shouted at. Players disputed some of his decisions, but nothing over and above the usual language at a

football match. He didn't hear LG make any comments to the Referee.

- Dave was initially standing with Natalie Haynes near the corner flag. Towards the end of the game he moved up the touchline to stand between the opposing managers. At the final whistle things started to get a bit heated and he had to tell both managers to calm things down. Everything was sort of OK when he saw the Mytchett lino walk towards the Referee. At the time, the Referee was still on the pitch and about 5 metres away from Dave. The lino, who he now knew to be LG, had walked from the opposite side of the pitch. When asked to confirm if LG had run 30 yards across the pitch, as stated in his initial statement, or had walked across the pitch, Dave said it was more of a gentle jog.
- LG was screaming and swearing, saying f...ing this and f...ing that, and calling the Referee a cheat and a disgrace. The Referee would have heard the things he was saying. It was all negative. When LG got close he pushed the flag into the Referee's left hand. The Referee told him to calm down. The Referee held onto the flag and LG moved his head forward into the Referee's space. The Referee did nothing aggressive. LG made a connection with his head, pushing the Referee backwards and knocking off his glasses. Dave didn't see the Referee pick up his glasses and didn't know how they got broken. Dave thought that LG had headbutted the Referee. Their hands came together and they both stumbled. The Referee stumbled backwards. Neither of them fell over, they were just off balance. LG then moved forward again. Before they could come together for a second time, Dave told them to calm down and got between them. There was no further physical contact. The Referee did not punch LG. Noise was coming from everywhere and others got involved. The two managers pulled them back. He didn't think either man had to be restrained. The incident was over in about 5 seconds.
- Dave didn't have his statement to hand when giving verbal evidence but thought that if the Referee had said anything then it would be in his statement. As LG was handing back the flag, Dave did hear him say to the Referee that he was a piece of shit. He did not hear the Referee say to LG that he was going to kill him. Dave thought the next closest people to the incident were Natalie Haynes and the two managers. He didn't know where the other Assistant Referee was. He confirmed that the Referee only had one flag in his hand, the one handed to him by LG. Dave said that LG was the Mytchett linesman and at the end of the game had walked across from the supporter's side of the pitch.
- Once things had calmed down, Dave instructed the Eldon players to go and stand by the corner flag. He then walked with the Mytchett players/officials to the car park. The atmosphere had calmed down a little bit. He denied speaking with LG on the way to the

- car park and denied saying to him that perhaps the Referee was just defending himself.

  Dave did remember telling people not to get involved in any conversations about who said this and who said that.
- Dave has been Chairman since 2009 and this is the first time anything of this nature has happened. He was always disappointed by such incidents of misconduct. Eldon is a multicultural club and the Referee, MH, is a great adversary for them. He didn't think MH had broken any code of conduct on the day, he was just inexperienced and it had been a difficult game to handle. MH is not an aggressive person but had to take a lot of abuse. He certainly wasn't biased. Some of the things being said about him were malicious and aimed at putting him in a negative light.
- 18. **Natalie Haynes Eldon spectator and wife of the Referee, MH:** (Note: during her evidence, Natalie felt intimidated by having to look at LG on camera. The Chair asked LG to turn off his camera, which he did).
  - Natalie submitted her first statement on 6<sup>th</sup> December 2022. About mid January 2023 she reviewed that statement and decided, on reflection, that it was poor. She submitted a second statement in late January, adding more detail. Any suggestion that she had been influenced by discussions she'd had with the Referee (her husband) was not true. The decision to submit a second statement was entirely hers. She put down exactly what she thought. She used the same phrases in both statements and hadn't changed her wording to match others. The Mytchett boys on the pitch and their managers also used the same language and rhetoric. She felt very emotional because she had asked her husband to Referee the game and now felt upset because of what happened to him.
  - The Mytchett linesman, who she now knew to be LG, was verbally abusing and swearing at the Referee all game. She didn't hear the Referee respond to such abuse or say anything to him. The Referee was trying to do his best. He wasn't angry. The Mytchett players and officials just ripped him apart. At halftime LG approached the Referee and put his arm around his neck. It was not in a strangle like vice. She accepted that LG's arm could have been placed on the Referee's back, but thought it was around his neck. She said that LG was pissed off and acting aggressively. He had been acting aggressively from the start of the game and clearly wasn't intent on having a friendly chat with the Referee. There was a verbal exchange between them but she couldn't hear all the conversation, she was too far away. She remembered hearing the Referee asking him to remove his arm.
  - At the end of the game Natalie was standing on the goal line, between the corner flag and the Eldon goalkeeper. She didn't remember exactly where LG was at the final whistle but

saw him march over to the Referee. He didn't run over but looked to be on a mission. She was about 15-20 metres away from the incident and had a clear view. She saw most of what happened.

- LG pushed the flag into the Referee's hand. She clearly saw the Referee had hold of it. Although LG had his back to her, she saw that he was shouting something. LG then went to attack him. Natalie was clear it was an attack because LG had been on at the Referee all game. LG squared up to him. The Referee pushed him away. LG moved forward again and put his head into the Referee's face. The force of LG's head pushed the Referee back but he didn't fall over. Natalie thought this was when the Referee's glasses came off but couldn't really be sure. The glasses were on the floor and the lens was broken. As LG approached him for a third time, the Eldon Chairman (Dave Artwell) got in between them and stopped any further contact. The opposition players and parents then went to 'bundle' the Referee but were held back. The whole incident lasted about 2 minutes.
- Natalie did not hear LG say to the Referee that he was a piece of shit and did not hear the Referee say that he was going to kill him. Also, she did not see the Referee punch, or attempt to punch, LG and didn't think it was something she might have missed. Natalie felt the whole thing was very serious, not because of the head attack by LG but because this was in front of 15-year-old boys and it could have ended in a knife incident or something similarly bad.

### 19. Hayley Townsend - Eldon team contact and referee appointments officer:

- Hayley submitted a second statement in late January 2023, because she wanted to add more
  detail about the incident. No one asked her to submit a second statement and she had not
  discussed it with anyone. She sent the statement to the Club Chairman/Welfare Officer. At
  the time she wasn't aware of any charges. Being involved with referees she just thought she
  needed to add more detail.
- At halftime Hayley saw the Referee in the centre circle when the Mytchett linesman approached him. She was standing with parents on the touchline and they were chatting. She didn't hear the whole conversation between the two men but initially saw/heard the linesman shouting and then the Referee responding. There was no physical contact between them.
- At the final whistle the boys shook hands. The noise levels on the touchline were similar to those at halftime. Hayley started to walk across the pitch. She saw the Mytchett linesman approach the Referee. The linesman came from the manager's side of the pitch, from her

- left. He was 'pacing' towards the Referee. The linesman was shouting and swearing a lot and called the Referee a fucking cheat. Hayley said she heard it all but couldn't remember everything that was said.
- The linesman moved/swung his head and body towards the Referee and made contact with him. It wasn't a punch, the linesman just pushed his body into the Referee. The force pushed the Referee back. Initially, the Referee did nothing, but then to defend himself he pushed the linesman back. Whilst she saw the initial pushing and heard shouting, she was trying to safeguard and watch the children so didn't see or hear the entire incident. She didn't know how many times the two men made physical contact with each other.
- During the pushing, neither man fell over. She didn't know if the Referee was wearing glasses. She did hear the linesman call the Referee a piece of shit but didn't see the Referee punch the linesman. Under the circumstances, which were not very nice, she thought the Referee handled the incident well. She thought he may have sworn at the linesman but didn't hear him make any threats. She couldn't remember much else about the incident. She did remember the Mytchett boys were rifled up by the incident and had to be held back. This was captured on video.

## 20. Linda Watson - Eldon parent:

- Linda arrived at half time. A man from Mytchett was speaking with the Referee which delayed the start of the second half. At the final whistle Linda was chatting with other parents on the touchline. She looked across the other side of the pitch and saw someone from Mytchett striding towards the Referee. She didn't see if the person, a man, had a flag in his hand. She had a clear view of the incident and it looked like the man's arm came up and made contact with the Referee. It looked as though the man swung a punch. The men were close together but she couldn't say if the punch landed or made contact with the Referee. She didn't see the Referee 'come back' at the man and didn't see any other physical contact between them. The men were arguing but she couldn't hear what they were saying. Other people/parents joined in and kept them apart. Linda couldn't remember how many parents there were. She thought both men needed to be restrained but was more worried about her son, wanting to get him away from the incident.
- Linda said she recognised the Referee's wife, Natalie, and the Eldon Chairman. She didn't know if it was the Chairman who pulled the two men apart. She also didn't know if the man who approached the Referee at halftime was the same man who approached him after the game. She didn't know the Referee, MH. This was the first time she had seen him. Linda initially said she didn't hear the Mytchett man shouting. However, when reminded of what

she put in her statement, said that he probably was shouting and that her statement was more reasonable/reliable than her verbal evidence. Natalie accepted that she didn't see all the incident and didn't know if the Mytchett man was trying to defend himself. When asked specifically why she said that the Referee had not 'come back' at the man, when she hadn't been asked that question, she said that she wasn't aware of other statements and was just making the point that the Eldon Referee did not go back at the man and did not retaliate.

# 21. Patrick Moore - Eldon Manager:

- Patrick was there for the whole game but couldn't remember anything that happened at half time. He was more focussed on the boys. On several occasions he heard the Mytchett linesman make comments or give his opinion on some of the Referee's decisions. At the end of the game the boys shook hands. He saw the linesman approach the Referee. The linesman approached from the supporter's side of the pitch. There was a small confrontation between the two men, involving a little push or two. He didn't really see a great deal and didn't remember who pushed who. Patrick didn't class the pushes as physical contact. The Mytchett linesman was being abusive and swearing and was clearly the aggressor. Everyone then started moving towards the incident and he took the boys away for a warm down.
- Neither man ended up on the floor as a result of the pushing. He vaguely remembered the Referee wearing glasses and that they ended up on the ground. When questioned further, Patrick said he didn't actually see the glasses he just heard about them being knocked off and broken. Patrick saw the Mytchett linesman with a flag in his hand as he approached the Referee at the end of the game, but didn't see what he did with it. He didn't see him give the flag back to the Referee. When asked what the linesman had on his head, Patrick said he thought the linesman was wearing a baseball cap, but wasn't absolutely sure.

# **VERBAL EVIDENCE - MYTCHETT WITNESSES**

22. The Commission heard from six Mytchett witnesses (Jenny Beatty, Gail Stubbs, Karen Everett, Graham Hall, Carl Bowen and Richard Engelbrecht).

# 23. Jenny Beatty – Mytchett parent:

- Jenny was there for the whole game standing with the other Mytchett parents on the touchline. She didn't see or hear any incident at half time between the Referee and the Mytchett linesman. There was an incident during the game, a tackle, where the linesman had to correct the Referee.
- At the end of the game, she became aware of something happening on the far side of the

pitch. She looked up and saw a crowd of people. Some of the children were close by. She saw two men fighting: the Mytchett linesman and the Referee. She didn't hear anything and there was no physical contact between them. When asked to explain what she meant by men fighting but with no physical contact, Jenny said they appeared to be throwing their arms at each other, swinging their arms about. They were gesticulating rather than physically fighting. She didn't see the Referee throw a punch. She said that, from the other side of the pitch, it was difficult to be sure what they were doing but didn't think that LG had his arms up defending himself. She thought someone needed to get between them and stop it.

- She admitted to being a little confused about what happened and made the point that the game was played over 3 months ago. She thought her statement, produced on the day of the game, was more accurate as it was fresh in her mind at the time. Jenny accepted that her verbal evidence was at odds with her written evidence.
- Jenny didn't see LG hand over the flag. She had attended a number of previous games involving the opposition, Eldon, and submitted a statement to Graham Hall in order to 'show/demonstrate' her displeasure with their attitude. They were always bias and in this game were inciting a riot. Their players were aggressive and threatening which was totally unnecessary. The Referee didn't control the game. He didn't officiate fairly and was aggressive towards the Mytchett boys. His conduct throughout the game was awful.

### 24. Gail Stubbs - Mytchett parent:

- Gail watched the whole game, standing with the Mytchett supporters throughout. She didn't know the Mytchett linesman, LG, he was a new parent. At half time the Mytchett linesman walked over to the Referee in the middle of the pitch. The linesman came from the supporters side. She couldn't remember if he swapped sides in the second half. She only heard snippets of the conversation. She heard the linesman question how the Referee was communicating with the players. The Referee told him to go away. He held out his hand, gesturing with his whistle for the linesman to take over. She didn't see any physical contact.
- At the end of the game she saw a verbal altercation between the two men and LG was punched in the head. From what she saw, the punch definitely connected. His red cap was knocked off. When describing how the cap was knocked off she said LG's head went back and the cap fell off. After the punch there was a scuffle. Gail said she didn't see the start or end of the incident and couldn't say what happened. She didn't know if there were any other punches thrown or landed, nor if anything was said between the two men. There were

lots of people shouting and her husband wanted to go across and help, but she was keen to get her son away. Graham (Hall) had asked the Mytchett parents to write statements.

# 25. Karen Everett - Mytchett parent:

- Karen was in attendance for the whole game and was standing with the Mytchett parents on the right hand side of the pitch. There was a pause in the game, she couldn't remember if it was half time or not, when there was an injury to one of the Mytchett players. LG went to chat with the Referee in the middle of the pitch, but the Referee didn't give him chance to speak. He just waived him away. The two men didn't get that close and she didn't hear any swearing or abusive language. LG shrugged the Referee's comments off and went back to the touchline. Karen didn't know why LG wanted to speak with the Referee.
- The Referee was aggressive to both adults and children throughout the game. At the end of the game, from the other side of the pitch, Karen saw the Referee launch his whole body towards LG. The Referee had one hand/arm in the air and the men's hands made contact. Then the Referee's hand, in one upward motion, made contact with LG's head. Karen said it was fist to face, but she couldn't see where on the face the fist landed. She described the motion as an upward swinging punch. Their bodies were sideways on to her and, although half a pitch away, she had a clear view of the incident and the Referee raising his arm.
- Karen didn't see the linesman's flag or what happened to it. Neither man fell to the floor. She couldn't remember if LG had a cap on or if MH was wearing glasses. When asked if either man was provoked, Karen said she didn't see the start of the incident and didn't wait around afterwards. She didn't see if LG reacted to the punch. Graham Hall asked her to provide a statement.

# 26. Graham Hall - Mytchett Manager:

- Graham was focussed on their team talk at half time, with his back to the pitch, and didn't see or hear any incident between the Referee and LG. In the second half LG ran the line on the dugout side. He didn't hear LG question or challenge any of the Referee's decisions whilst on their side of the pitch. He didn't know if LG made any comments when on the other side of the pitch (first half). Graham said that, during the game, he asked the Referee about a number of decisions, but the Referee ignored him. At the end of the game Graham was talking with an Eldon Celtic man, dressed in a Celtic jacket. He thought this was the opposition Chairman, Dave Artwell. The man appeared on the touchline in the second half. Graham hadn't seen him at any other time during the game.
- Whilst chatting with the Chairman, Graham was aware that LG and the Referee were

talking closely. His attention was drawn to the two men because of the noise they were making. He was about 10 yards away but couldn't hear what they were talking about. Graham sensed that something wasn't right. Out of nowhere, the Referee got close to LG and punched him in the face. Graham was 100% sure that it was a punch, he had a clear view of it. The punch landed around LG's nose/mouth area. LG wasn't knocked over and Graham couldn't remember if he stepped back. In order to protect himself, LG put his hands up in a defensive response. The Eldon Chairman then pulled the Referee away. The Referee had lost it and had to be restrained. He said to LG that he was going to fucking kill him. Graham did not hear LG make any reply. Graham did not drag LG away and didn't think he needed to be restrained. Asked if he was with LG at the end of the game when he was talking with the Eldon Chairman, Graham said he couldn't remember. Graham was asked why he had not taken his players off at some stage during the 80 minutes if he felt there were safeguarding issues. He responded that in hindsight he should have.

• Graham didn't remember talking to LG afterwards but thought he may well have done. He was more focussed on calming the players down. He didn't see any visible marks or injuries to LG's face. Graham asked people to write statements about the Referee's behaviour and what happened at the end of the game. He wanted to make sure the Mytchett players and officials were protected. The statements were sent to the Chairman.

# 27. Carl Bowen - Assistant Manager:

- Carl only knew LG through football. LG's son had joined the Club in September last year. He was not asked to make a statement after the match but Graham (Hall) had asked him to attend the hearing. Graham told him that they shouldn't be discussing the incident. Carl confirmed that he was the Assistant Coach and had been standing in the technical area with Graham (Hall) and Richard (Engelbrecht) throughout the game. In the first half he wasn't close enough to LG to hear if he made any comments to the Referee. In the second half LG was running the line on their side of the pitch. Carl didn't hear LG make any comments to the Referee in the second half. At half time Carl was involved in the team talk when he became aware of a discussion between LG and the Referee. He stopped the team talk. He heard the Referee telling LG to go away. There was no physical contact between the two men but the Referee was being very aggressive. Carl saw the Referee offer LG the whistle.
- At the end of the game there was a lot going on, with lots of commotion/shouting amongst
  the players. The Eldon boys were running past the Mytchett players shouting. The
  Mytchett manager/coaches went onto the pitch and told their players not to contemplate
  shaking hands with the opposition. Carl knew that was wrong but they were trying to avoid

further confrontation. He pulled one of his players away from shaking hands and started to pick up the kit.

- Carl didn't see if LG had a flag or if he handed it back to the Referee. He didn't see the start of the incident between the Referee and LG and didn't know who the instigator was. He was standing with Graham about 10 yards away from them. Although there were a lot of people around, Carl could see the two men in his eyeline and he had a clear view of the incident. He saw them come together and strike blows towards each other. When questioned in detail, Carl said it was more like they were throwing punches and pushing each other. He didn't see any punches land but their arms were flailing. He couldn't see if the blows were landed with clenched fists. He couldn't tell who the aggressor was or who was acting in self-defence. He thought it was probably 50/50. He accepted, during questions, that the flailing arms could have been used in self-defence. He remembered the men being pulled apart but didn't remember either of them having to be restrained. He didn't hear any foul or abusive language from either man.
- Carl didn't get involved in trying to break things up, he was more concerned with getting the boys away and started to gather the boys and the kit/water bottles. When asked specifically if he had walked off with LG and Eldon officials/players at the end of the incident, Carl said no he hadn't. In the car park, after the game, Carl could see LG touching/prodding his face. From close to him, Carl could see a mark on his face. The mark was on the right side/edge of his mouth. Carl didn't ask him about it but assumed that he had been 'hit or punched'. The main topic of discussion was about what steps the Club were going to take in reporting the incident, not about any red mark on LG's face.
- During the game both he and Graham raised issues with the Referee. Those issues were about inconsistent decisions and allowing Eldon players to use foul and abusive language. The Referee did not respond and just ignored/dismissed them.

# 28. Richard Engelbrecht - Assistant Manager:

• Richard was the Assistant Coach and was standing in the technical area with Graham (Hall) and Carl (Bowen) throughout the game. At half time they had the boys in for a team talk. He didn't see what happened between the Referee and the Mytchett linesman. Following LG's conversation with the Referee he heard him say to the Mytchett coaches/parents that he was only trying to offer help. In the second half Richard didn't hear LG make any comments about the Referee. It had been a heated game so, before the final whistle, Richard said to his substitutes that they should just go at the end. They started to collect their things. The boys went over and helped him grab the 'stuff'.

- Richard didn't see much of the incident between LG and the Referee, but he did see them being 'split apart'. He had a good view from about 12 yards away. The Referee was very angry and had to be held back. He saw no physical contact. LG looked shocked and there was a mark on his face, a graze high on his cheek. The Referee continued to swear and be aggressive. Richard couldn't remember his exact words but heard lots of 'f' words being used. Richard didn't hear LG say anything because MH was being so loud. Richard didn't know where the linesman's flag was and didn't know where the Eldon Assistant was. He didn't know if the Referee was wearing glasses.
- Richard expected the boys to kick off so thought it was important to get them away as
  quickly as possible. At no time did Richard ask LG what caused the mark on his face.
  When asked if he was the Mytchett official who LG walked to the car park with, Richard
  said that it wasn't him. He had made a quick exit.

# **CLOSING SUBMISSION BY MH**

29. In his closing remarks MH said he was a 51 year old and this had been an upsetting time for him. He was very sad to be in this situation. He had managed his son and his team for 4 years and was asked to referee this game. He didn't want to referee but was persuaded to do so otherwise the boys wouldn't have been able to play. He made some mistakes in the game. LG didn't like his style and physically abused him. MH said he wasn't a vicious thug and wouldn't again referee at that age. He was hoping to quickly get back to day to day life, working with less privileged children. He thanked the Commission for their time.

# **CLOSING SUBMISSION BY LG**

30. LG submitted a 2 page written summary to the Commission Secretary, which was circulated to the Commission Members. The written summary is available if required but does not form part of the case papers. LG summarised his written submission by saying that there were inconsistencies in the Eldon evidence. A number of the Eldon second statements were submitted in late January 2023, after they had seen the charges. These second statements were different to the first ones submitted days after the game. The Commission was asked to focus on the first/original statements. He cited MH's second statement as a clear example of such changes. LG said he couldn't have put his face into MH's face, as suggested by a number of witnesses, because he had a baseball cap on. He found this whole case distressing and that he was 'done' with amateur football and coaching. He just wanted to focus on football charity work and felt he was the innocent wounded party in all this.

### **SUMMARY OF EVIDENCE**

31. The following paragraphs (32 to 46) provide a summary of the verbal and written evidence

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.

# **SUMMARY OF ELDON EVIDENCE**

- 32. MH submitted an initial statement a few days after the game. In that statement he reported that throughout the first half he could hear derogatory comments from the opposition linesman, coaches and players. At half time the Mytchett linesman approached him in a very aggressive way, shouting expletives as he did so. MH asked him to 'back up'. As the linesman walked back to his team he continued to yell obscenities. At the end of the game, the linesman ran 30 yards to confront MH, using language that should not be used around U15 children. MH reminded him of his conduct and informed him that he needed to leave. The linesman continued to move towards him and put his forehead into MH's face. MH pushed him back. The linesman went back at him again. At that point the parents and staff had to step in to restrain the linesman.
- 33. Following legal advice he wanted to add clarity to his first statement and so submitted a second statement in late January 2023. This statement contained details of the language/comments made by the linesman during the first half, at half time and then again at the end of the game when he approached MH. The statement also added detail in regard to MH's glasses and how they got broken. In his verbal evidence, MH said that the linesman had been aggressive at half time and had squeezed his neck. He also said that, in the confrontation at the end of the game, he thought the linesman had headbutted him. He also claimed the linesman approached him a second time and swung a punch, making contact. Later in his verbal evidence he said a punch may have been thrown, he wasn't sure. When questioned further, he said he had been punched.
- 34. In his December 2022 statement, Dave Artwell said at the end of the game the linesman ran 40 yards and appeared to put his head into the Referee's face. The Referee reacted by pushing him off. Dave said he was the closest person to the incident. He made no reference to any foul or abusive language being used. In his second statement, January 2023, submitted because MH had asked him to, he said that the linesman headed to the Referee, shouting abusive words. The linesman squared up to the Referee, the Referee pushed him away and then the linesman squared up to him again. At that point, Dave jumped in to keep them apart. In his verbal evidence, Dave said the Referee put his head into the Referee's face making contact. The connection pushed the Referee back and his glasses fell off. Dave thought the linesman had headbutted the Referee. The linesman moved forward again which is when Dave intervened. Dave said the linesman approached the Referee at the end of the game from the supporter's side of the pitch.
- 35. In her initial statement, Natalie said it had been an intense match fuelled by the Mytchett linesman.

At half time the linesman was aggressive and confronted the Referee. At the end of the game the linesman walked 30 yards to again confront the Referee. He went to attack him. Natalie provided no detail of the attack. The Referee defended himself and pushed the linesman away. The remainder of the Mytchett parents and players then went to 'bundle' the Referee. In January 2023 she reviewed her statement, concluding that it was poor. She submitted a second statement without discussing it with anyone else. She said the linesman marched over to the Referee at the end of the game, thrust the flag in his hand and squared up to him. He then pushed his head into the Referee's face. The Referee's glasses fell off. The Referee pushed the linesman back. The linesman went for him a second time. Dave Artwell then stepped in to separate them. In her verbal evidence, Natalie said that, at half time, the linesman was aggressive and had his arm around the Referee's neck. At the end of the game, the linesman marched over to the Referee and squared up to him. The linesman attacked him. She thought it was clearly an attack because the linesman had been on at the Referee all game. The Referee pushed the linesman back and then the linesman went forward again. This time he put his head into the Referee's face. The force knocked the Referee's glasses off. The linesman went for him a third time but Dave Artwell intervened. Natalie said that the Mytchett parents and players were looking to 'bundle' the Referee. She didn't hear any foul or abusive language from either the Referee or linesman.

- 36. In her initial statement, Hayley Townsend said the Mytchett linesman confronted the Referee at half time. She added no detail. At the end of the game, the linesman again went onto the pitch, confronted the Referee and swung for him. She didn't include any specific details about what she saw or heard. In her second statement, submitted at her own behest without being asked to do so by anyone else, she included details about the language the linesman had used at the end of the game, also describing how he had confronted the Referee twice and how the Referee had pushed him away. She also said there was no physical contact between the two men at half time. In her verbal evidence, Hayley said the linesman moved/swung his head and body towards the Referee and made contact with him. The Referee initially did nothing, but then to defend himself pushed the linesman back. She didn't know how many times the two men made physical contact with each other.
- 37. In her written statement, Linda Watson said she arrived at half time and saw a man talking with the Referee. At the end of the game she saw an adult on the other side of the pitch, walking towards the Referee. He was shouting and swung a punch at the Referee. He had to be held back. In her verbal evidence, Linda said she was chatting to another parent at the end of the game when she looked up and on the far side of the pitch saw a man's arm come up and make contact with the Referee. It looked like the man had thrown a punch. She didn't know if it landed. The Referee did not 'come back' at him. She thought both men had to be restrained. She didn't hear any shouting. When reminded of what she had included in her written statement, Linda said that her statement

was more reliable than her verbal evidence because it had been submitted just after the game. She admitted that she had not seen the whole incident and that the man could have been defending himself.

38. In his statement Patrick Moore said the game had not been a problem. There was a bit of back chat from the players, but that was normal stuff. At half time the Referee wasn't happy and confronted the Referee. Patrick submitted no details about the confrontation. At the end of the game, the linesman again entered the pitch and confronted the Referee. Words were exchanged and the Referee was pushed. The Mytchett boys were then trying to get at the Eldon boys. The Eldon Chairman got the Referee away. In his verbal evidence, Patrick said the game was 3 months ago and he couldn't remember anything about what happened at half time. On several occasions during the game the linesman did make comments about the Referee's decisions. At the end of the game, the linesman approached the Referee from the supporter's side. There was a little push between the two of them. The linesman was the aggressor. Patrick said he saw the Referee's glasses fall off. When questioned about the glasses in more detail he said that he hadn't actually seen them fall off, he was told they had fallen off.

# SUMMARY OF MYTCHETT EVIDENCE

- 39. In his written statement LG said that the Referee's decision making throughout the game was awful. He was aggressive towards the Mytchett players and kept telling them to shut up. At half time he went over to the Referee, put his hand on the Referee's shoulder and asked him for a quiet word. The Referee reacted aggressively and told him to go away. He offered LG the whistle. The second half was an uncontrollable battle. At the end of the game, LG walked over to the Referee handed back the flag and told him that he'd had a shocking game. The Referee told him to fuck off. LG replied by telling the Referee that he was a piece of shit. The Referee body pumped him and punched him in the face. The Referee totally lost control and told LG that he was going to fucking kill him. LG did not mention he had been injured by the punch and submitted no photographic or medical evidence to confirm any injury. LG's verbal evidence was consistent with his written statement. He did add that, although the Referee's decisions were awful, he did not get frustrated or annoyed, he remained calm. He said his cheek was marked by the punch and that he had taken photographs of the mark. He added that his tooth was broken and that he was due to see a dentist on 8 May 2023.
- 40. In her written evidence, Jenny Beatty said she witnessed the Referee escalate things from loud shouting to throwing a punch at the linesman. She included no detail. In her verbal evidence she said that the two men were fighting. She was on the other side of the pitch but it looked like there was no physical contact. When asked to clarify her comment, she said they were throwing their arms about and gesticulating with one another. There were no punches thrown. LG had his arms

up but it didn't look like he was defending himself, but he could have been. Jenny said the game was 3 months ago and she was probably a little confused. She thought her written statement was a far more accurate account of what happened. The Eldon players were trying to incite a riot. They were aggressive and threatening. The Referee didn't control the game, he was unfair and his conduct was awful.

- 41. In her written statement, Gail Stubbs said that the Referee's handling of the game was unacceptable. He had total disrespect for the players. At half time she witnessed a confrontation between the Referee and the Mytchett linesman. She only heard snippets of the conversation, but did hear LG say that he was concerned with the Referee's communication with the players. She didn't see any physical contact between the two men at half time. At the end of the game, from the other side of the pitch, she witnessed a verbal altercation between the Referee and linesman, and then saw the Referee punch the linesman in the head. The punch connected and the linesman's cap fell off.
- 42. Two Mytchett parents, Kevin Pawadyira and Mark Mansfield submitted written statements but gave no verbal evidence. Both were particularly damning of the Referee saying that he challenged, goaded and intimidated the Mytchett players. He was incompetent and gave them no protection. Mark saw the incident at half time between the Referee and linesman stating that the Referee was aggressive and kept telling the linesman to go away. At the end of the game, from some distance away, Mark saw the linesman hand the flag back. The Referee then went chest to chest with him and threw a punch which hit the linesman in the face. The Referee was then shouting at the linesman wanting a full brawl.
- 43. In her written statement, Karen said that the Referee was aggressive, disrespectful and rude. At the end of the game she did see the Referee launch his whole body at the linesman and swing a punch at him, but provided no detail. In her verbal evidence she said there was a pause in the game when the Mytchett linesman approached the Referee. She couldn't remember if it was at half time or during some other stoppage. The Referee didn't give him chance to speak and just aggressively waived him away. At the end of the game, from the other side of the pitch, she saw the Referee and linesman make physical contact. Their hands made contact and then in one motion the Referee made an upward swing and hit the linesman in the head. It was fist to face contact.
- 44. Graham Hall reported that the Referee was appalling and lost control of the game. At the end of the game he saw the linesman hand the flag back to the Referee. The Referee then punched him in the face. In his verbal evidence, Graham said that during the game he had asked the Referee about a number of decisions. The Referee just ignored him. At the end of the game, Graham was talking with the Eldon Chairman. His attention was drawn to the Referee and linesman who were standing

- about 12 yards away, having a conversation. Graham could sense that something was wrong. The Referee then got up close to the linesman and punched him. The punch hit the linesman in the face, around his nose/mouth area. The linesman put his hands up to defend himself. Graham spoke with the linesman later but wasn't aware of any marks or injury to the linesman's face.
- 45. Carl Bowen didn't submit a written statement. In his verbal evidence, he said that during his team talk at half time he became aware of a discussion between the Referee and linesman. He heard the Referee tell the linesman to go away. The Referee was aggressive. There was no physical contact between the two men. He saw the Referee offer the linesman the whistle. At the end of the game he was standing about 10 yards away from the Referee and linesman. They started to exchange blows. Carl thought it was more like flailing arms, throwing punches and pushing each other. He saw no punches land. He didn't know who the aggressor was but thought that it was probably 50/50. He accepted that the flailing arms could have been in self-defence. In the car park later, Carl saw the linesman, LG, prodding his face. Carl could see a mark on the edge of his face. He didn't ask him about it but assumed that it was from the incident with the Referee.
- 46. In his written statement, Richard Englebrecht made no mention of any altercation, either at half time or at the end of the game, between the Referee and linesman. He did make reference to the Referee's threatening manner towards the players. In his verbal evidence he said that, although standing about 10 yards away from the incident, he didn't see much of the physical confrontation between the two men. He did see people trying to 'split' them apart. He saw no physical contact or punches being thrown. After the game he saw a graze high on the linesman's cheek. He didn't ask him how he got it.

### **BURDEN OF PROOF**

47. The burden of proof is on the County FA, meaning it is for B&BFA/Surrey FA 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.

### **FINDINGS**

48. The Commission focussed on three main areas; the alleged conduct of the Referee and linesman throughout the game, what happened between the Referee and linesman at half time and what happened between them at the end of the game. Evidence provided by the Eldon witnesses was a concern. Their witnesses submitted additional statements/evidence which the Commission believe indicated an element of collusion. Some of the additional evidence, either in written statements or in verbal evidence, included important detail which was not included initially. One such example

- was MH's reference in his verbal evidence to being punched by LG. He makes no reference to a punch in either of his earlier written statements. Eldon's additional evidence also introduced aggressive words allegedly used by LG and the possibility that he headbutted MH. Questions in regard to MH's glasses were also introduced. The aim appeared to be to show/portray LG in a very poor light.
- 49. The Commission was not persuaded, by LG's verbal evidence, that he wasn't frustrated or annoyed by the Referee's decisions. There is substantial evidence from the Mytchett witnesses that it was a heated game. Mytchett parents and officials were worried about the possibility of confrontation at the end of the game and were keen to get the players away. In their view, the Referee was aggressive, threatening and not in control of the game. From the evidence it is likely that LG was also frustrated and, along with parents, coaches and players questioned the Referee on a number of occasions. By his own admission, MH did not want to referee the game and he too became increasingly frustrated. Whilst LG paints a picture that he approached the Referee at half time in a calm, non-aggressive way, it is probable that he was annoyed with the Referee's response. It is therefore questionable why, having had an altercation with the Referee at half time, he then approached him again at the end of the match. By his own admission, LG was the catalyst to what happened at the end. He told the Referee he'd had a shocking game and called him a piece of shit.
- 50. The Commission noted the FA Regulations in regard to the differences between assault, physical contact and threatening behaviour/violent conduct. They also considered the various elements of the charges, particularly in regard to the assault charge, paragraph 96.3, Page 215 of the FA Regulations: 'acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury)'. There are snippets of evidence to suggest that LG punched, or attempted to punch, MH. But overall, the evidence against him was sporadic, inconsistent and, at times, exaggerated. LG doesn't deny he had a verbal altercation with MH, but argues that his physical actions were in self-defence and that he was not the aggressor. Two of the Mytchett witnesses, Jenny Beatty and Carl Bowen, said that LG and MH were fighting, being equally aggressive. When questioned in detail, both those witnesses accepted that either man could have been flailing their arms about or throwing their arms in the air as a way of defending themselves.
- 51. The Commission found the totality of the Mytchett evidence very credible. There was evidence from two Mytchett witnesses that LG had a graze or mark on his face. The Commission found this evidence very low key and brought an air of credibility to LG's claim that he was punched in the face. It would have helped LG's case if he had submitted photographic evidence or medical documents of his injury. There were a number of questions in regard to what happened to the linesman's flag. The Commission determined that this was not important to their findings.

# **DECISIONS**

- 52. **MH:** the Commission concluded that the Referee, MH, did punch the Mytchett linesman, LG, in a manner which caused or attempted to cause him injury. On the balance of probability, the Commission unanimously found the charge of Improper Conduct Assault or Attempted Assault on a Match Official, **proven.**
- 53. **LG:** the Commission concluded that LG did not punch MH in an attempt to cause or attempt to cause him injury. On the balance of probability, the Commission found the charge of Improper Conduct Assault or Attempted Assault on a Match Official, **not proven.** The Commission then considered the Alternate charge of Improper Conduct (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour). LG admitted using abusive language/behaviour so the Commission focused on the physical contact element of the charge. The Commission concluded, on the balance of probability, that LG acted in self defence and found the alternate charge, **not proven.** Both not proven charges were unanimous.

# FA SANCTION GUIDELINES/CATEGORISATION OF THE OFFENCE

- 54. The Commission considered the FA Sanction Guidelines/Regulations and categorisation of the offence, before then hearing MH's disciplinary record. FA sanction for:
  - FA Rule E3: Improper Conduct Assault or Attempted Assault on a Match Official: immediate suspension from all football activities for a period of between 5 and 10 years. Subject to an order that the participant completes an education programme before the time-based suspension is served.
- 55. Categorisation of the offence:
  - MH: the offence of improper conduct under FA Rule E3 was deemed by the Commission to be in the Low category.

# **DISCIPLINARY RECORD/PLEA FOR LENIENCY**

- 56. The Commission noted the following:
  - MH has an exemplary disciplinary record.
- 57. In a plea for leniency, MH said he was embarrassed to be in this position. He has an immaculate record which he is very proud of. He works with disadvantaged boys. His own sons are 9 and 12 years old and they now can't play football. The team he coaches will fold. He apologised to the Commission and again thanked them for their time. **Note:** MH was clearly in an emotional state

and the Chair offered him the opportunity of disconnecting from the hearing and being informed of the sanction by his Club Secretary. MH accepted this offer and left the hearing.

# **SANCTION**

58. Considering the FA Guidelines and Regulations, nature of the offence, misconduct record, mitigating and aggravating factors (particularly the fact that this incident was played out in front of U15 players) and plea submitted, the Commission concluded that the following sanction is to be imposed:

• MH (Assault or Attempted Assault on a Match Official): to be suspended from all football activity for 5 years (1825 days). Start of the suspension is to be backdated to the 16<sup>th</sup> January 2023, the date of his interim suspension order. In addition, he is ordered to complete a face to face education programme before the time-based suspension is served, the details of which are to be sent to him by B&BFA. Failure to complete the education programme will result in a 'sine die' suspension until it has been completed.

**Comment:** the Commission discussed at some length if MH should be allowed to continue with any aspect of football. Following consultation with the FA, it is confirmed that the Commission does not have discretion regarding the sanction and the suspension is to be from all football activity.

### **RIGHT OF APPEAL**

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

Anthony Rock (Chair)

Monday 6th March 2023

Ashley Brown

Jaswant Narwal