

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Worcestershire Football Association and Gloucestershire Football Association

CORRESPONDENCE HEARING

of

JORDAN ADAMS

PERSHORE TOWN 88

[Case ID:11622980M]

and

PERSHORE TOWN 88

[Case ID:11622972M]

and

BRIMSCOMBE & THRUPP

[Case ID:11622976M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 30th January 2024, Pershore Town 88 ("the Club") played a fixture against Brimscombe & Thrupp ("Brimscombe") – collectively the "Match".
2. The Match Referee, Mr Mark Loughlin, reported the conduct of Mr Jordan Adams ("JA") a Club player, the Club and Brimscombe.
3. Worcestershire Football Association ("Worcestershire FA") and Gloucestershire Football Association ("Gloucestershire FA") investigated the reported incidents.

The Charge

4. On 23rd February 2024, Worcestershire FA charged JA:
 - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language) ("the 1st Charge")

and/or
 - 4.2. with misconduct for a breach of FA Rule E3.2 - Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability in that it is alleged that Jordan Adams used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, including but not limited to as per his own statement: "whilst he lay on the ground, I told him to get up you fucking prick – whilst wiggling his ear with my index finger and thumb" and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Sexual Orientation. This refers to the comment(s) "fucking queer cunt", or similar ("the 2nd Charge")
5. On 23rd February 2024, Worcestershire FA charged the Club:
 - 5.1. with misconduct for a breach of FA Rule E20 – It is alleged that Pershore Town 88 failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative contrary to FA Rule E20, including but not limited to: "after I blow my whistle there was a mass melees" and/or "this made all players from both sides coming together and the benches getting involved in pushing each other" and/or "the referee has just blown his whistle for half time and a mass melee ensued" and/or "at this point players from both sides, including occupants from both benches came together and there was lots of pushing and shoving going on" and/or "a mass melee then occurred with players, club official who had been in the technical area all involved in verbal and physical attacks on each other" and/or "this then started a melee in which players and official from both sides became involved in pushing and shoving each other" or similar ("the 3rd Charge")
6. On 23rd February 2024, Gloucestershire FA charged Brimscombe:
 - 6.1. with misconduct for a breach of FA Rule E20 – It is alleged that Brimscombe & Thrupp failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative contrary to FA Rule E20.1. It is alleged that players and/or officials from Brimscombe & Thrupp FC were involved in a melee with players and/or officials from Pershore Town 88 FC at the end of the first half of the match. ("the 4th Charge")

7. In respect of JA, the relevant section of FA Rule E3 states:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

And E3.2 provides that a *breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following :- ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.*

8. In respect of the Club and Brimscombe, the relevant section of FA Rule E20 states:

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

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

E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability...”

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

10. JA was required to respond to the 1st and 2nd charges by 8th March 2024.

11. The Club and Brimscombe were required to respond to the 3rd and 4th charges by 8th March 2024.

The Reply

12. On 8th March 2024 JA responded to the 1st and 2nd charges online via the Whole Game System and he admitted the 1st Charge and denied the 2nd. He requested they be determined in his absence at a Correspondence Hearing.

13. On 7th March 2024, the Club responded to the 3rd Charge online via the Whole Game System and they admitted the same. They requested it be determined in their absence at a Correspondence Hearing.

14. On 7th March 2024, Brimscombe responded to the 4th Charge online via the Whole Game System and they denied the same. They requested it be determined in their absence at a Correspondence Hearing

The Commission

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

The Hearing & Evidence

16. I adjudicated this case on 12th March 2024 as a Consolidated Correspondence Hearing (the "Hearing").
17. I had received and read the bundle of documents prior to the Hearing.
18. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to these cases.
19. Mr Ian Hamilton, Assistant Referee, provided a Report dated 2nd February 2024 in which he states that the Referee had just blown for half time and a mass melee occurred, caused initially by JA pushing a Brimscombe player to the ground. He clearly heard the Club player call the Brimscombe player a "fucking queer cunt". At this point players from both sides, including occupants from both benches came together and there was lots of pushing and shoving going on. JA was held back by several team-mates but kept trying to break free to attack the Brimscombe player. He was attempting to throw punches. The Brimscombe player ran to the changing room and JA ran after him in the same direction.
20. Mr Hamilton also provided a Statement dated 11th February 2024 in which he also states that he was 5 yards from the players when JA pushed the Brimscombe and he clearly heard him say "fucking queer cunt". JA was dismissed and after he ran off after the Brimscombe player they lost sight of both.
21. As part of the investigation by Worcestershire FA, Mr Hamilton confirmed in an email dated 11th February 2024 that JA had bent down to make the comment to the Brimscombe player who was on the ground. He reported the comment to the Referee at half time.
22. The Referee, Mr Mark Loughlin, provided a Report dated 2nd February 2024 in which he states that after he blew for half time there was a mass melee caused by JA pushing an opponent to the ground. This made players from both sides come together and the benches getting involved in pushing each other. Once the Brimscombe player got up JA chased after him and started to throw punches at him. The punches did not connect as he was held back by two Club officials. The Brimscombe player ran to the changing rooms and JA broke free and chased after him.
23. As part of the investigation by Worcestershire FA, Mr Loughlin provided further details in an email dated 11th February 2024 in which he stated that he was not aware of any discriminatory comments being made during the melee. At half time a Club official came into his changing room and advised that JA had been getting wound up by Brimscombe players during the 1st half, but this had not been reported to him.
24. Mr Alan Berrow, Assistant Referee, provided a Report dated 2nd February 2024 in which he states that when the Referee blew for half time he started to make his way towards him. He saw JA run towards a Brimscombe player and aggressively push him over. This started a melee in which players and officials from both sides became involved in pushing and shoving each other. Just when it appeared to be under control JA started to chase the Brimscombe player towards the changing rooms and it took a number of players to hold him back.
25. Mr Berrow provided an additional Statement dated 8th February 2024 in which he states that he did not hear any discriminatory language.

26. As part of the investigation by Worcestershire FA, they sought observations from Brimscombe who stated in an email dated 12th February 2024 that the player involved had not heard any discriminatory comments being directed to him during the incident.
27. JA provided a Statement dated 14th February 2024 in which he states that just before half time he was verbally abused by the Brimscombe number 11 who made comments such as “you’re fucking shit” and “you ugly fat cunt”. He warned the player that he wouldn’t tolerate such comments and confronted the player at the half time whistle. He goes on to say that he was met by “theatrics” which were an effort to have him dismissed. While the player lay on the floor he told him to “get up you fucking prick” whilst wiggling his ear with his index finger and thumb. The player got up and pleaded with the Assistant Referee to have him (JA) dismissed. The Referee showed him a red card and from there his “temper flared even more” making another effort to confront the player. He was then led away by team mates.
28. Mr James Rushton, Club Coach and first aider, provided a Statement dated 14th January (this must be an error) 2024 in which he states that just before the half time whistle he could see JA and the Brimscombe number 11 “having words”. On the half time whistle JA approached the number 11 who threw himself to the floor. Seeing this the Brimscombe players surrounded JA and got very heated with him. The Referee subsequently dismissed JA and he was escorted to the changing room.
29. Within the bundle is VEO footage of part of the incident. This does not show the Brimscombe Number 11 on the floor or what led to him being there. It does show a Club player being held by a Club substitute. He is being forcibly restrained. The Club player manages to break free and runs towards the Brimscombe number 11. Several Brimscombe players step in to try and stop his approach. The Club player is subsequently dismissed and is led away as players start to head off the field of play. The Club player once again breaks free and clearly chases after the Brimscombe player before being restrained once again. The comment “you won’t stop him” is clearly audible. The Brimscombe management team can be clearly heard telling players to “get to the changing room”.
30. That concluded relevant evidence in this case.

Standard of Proof

31. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

32. JA admitted the 1st Charge and denied the 2nd. The Assistant Referee gave clear evidence by way of his Report submitted shortly after the Match when events would have been fresh in his mind. He states that he clearly heard JA say “fucking queer cunt”. He was within 5 yards of him at the time. His evidence is independent. Whilst the Brimscombe player does not recall this, I am satisfied that it is more likely than not that the comment was made and that the Assistant Referee correctly reported it.
33. Therefore, in respect of the allegation that JA was guilty of improper conduct, including foul and abusive language and that in addition this was aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability, I found that the charge was PROVEN.

34. In respect of the Club, they had accepted the 3rd Charge and credit would be given for the guilty plea.
35. Therefore I found the charge of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion, PROVEN.
36. In respect of Brimscombe, they had denied the 4th Charge. The VEO footage was useful evidence. It clearly showed the reaction of JA and his attempts to approach a Brimscombe player. It is apparent that other Brimscombe players (and indeed Club players) stepped in to try and ensure that this did not happen. Inevitably this involved some contact, but I do not find that this was a failure to control. I found that the Brimscombe players were trying to protect their player in what was clearly a very heightened situation.
37. Therefore in respect of the 4th Charge, I found the charge of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion, NOT PROVEN.

Previous Disciplinary Record

38. After finding the charges proven, I sought the participants offence histories. In respect of JA I note that there are no previous proven misconduct charges in the preceding five years. However, I do note a breach of FA Rule E1 – failure to comply with a decision of the Association by running on to the pitch to get involved in a mass confrontation whilst the subject of “All Football Suspension”. In respect of the Club, I note a previous proven E20 charge in April 2019.

Mitigation

39. There is no mitigation within the bundle.

The Sanction

40. The relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E3.2 is a sanctioning range of a suspension of between 6-12 matches where 6 matches is the standard minimum. A participant found to have committed an aggravated breach will be the subject of an education programme in addition.
41. After taking into account the facts of this case I note that JA made a singular comment during a heated situation with a Brimscombe player. He states that he had been verbally abused by that player. This merited a sanction of an 7 (seven) match suspension. Sanction was aggravated by a further 1 (one) match for the prior disciplinary record.
42. After taking into consideration all circumstances in this case, Mr Adams is:
- 42.1. to serve an immediate suspension from all football and football activities for 8 (eight) matches;
- 42.2. to satisfactorily complete an online mandatory education programme before the match-based suspension is served, or Mr Adams be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to him; *and*
- 42.3. 8 (eight) Club Disciplinary Points to be recorded.

43. In respect of the Club In respect of the, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E20.1 is a fine between £0 - £300.

44. After taking into consideration all the circumstances in this case, in particular that the conduct of a Club player provoked a mass melee, I placed this in the high category, with a sanction of £250 (two hundred and fifty) pounds. This was aggravated by virtue of the previous disciplinary record and the Club is:

44.1. fined a sum of £260 (two hundred and sixty pounds);

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

Signed...

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

12th March 2024