

**FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

**WOCESTERSHIRE FA**

**V**

**ROY STORR  
(CASE ID: 11406607M)**

**DANIEL MOY  
(CASE ID: 11406528M)**

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**WRITTEN REASONS**

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**Background and Chronology**

1. The Football Association convened a Disciplinary Commission (“the Commission”) on behalf of the Worcestershire FA on 8 November to adjudicate upon disciplinary charges levied against Roy Storr and Daniel Moy.

2. The charges arose out of a match played on 24 September 2023 between Colwall St James First and Meadow Park Adult in Division 1 of the Worcester & District Football League.
3. The Commission members were Yunus Lunat (Independent Chairman of the FA National Serious Cases Panel), Lea Taylor and David Jones (Independent members of the FA National Serious Cases Panel). Debbie Sowton of the Hampshire FA acted as secretary to the Commission.
4. By letter dated 09 October 2023 Roy Storr was charged with the following offences:

Charge 1:

FA Rule E3 – Improper conduct (including foul and abusive language).

Charge 2

FA Rule E3.2 – Improper conduct aggravated by a person's ethnic origin, race, nationality, faith, gender, sexual orientation, or disability. The details of the charge relied upon the allegation that Mr Storr made the comment *"I've never heard a team moan so much, your (sic) like a bunch of girls"* or similar.

5. Mr Storr had filed a not guilty response and requested the charge to be determined at a personal hearing.
6. By letter of the same date Daniel Moy was charged with a breach of FA Rule E3 – Improper Conduct against a match official (including threatening and/or abusive language/behaviour). The details of the charge relied upon comments by Mr Moy such as *"If you have got something to say I will see you after"* and/or *"I will break your fucking face you fucking prat"* or similar.
7. Mr Moy had filed a guilty response and requested the issue of sanction to be determined at a non - personal hearing.
8. As the offences were alleged to have been committed during the same match and there was related or common associated evidence the proceedings were consolidated pursuant to Regulation 13 of the FA Disciplinary Regulations.

9. The following is a summary of the principal reasons considered by the Commission. It does not purport to contain reference to all of the issues or matters considered and the absence in these reasons of reference to any particular point should not be read or implied that the Commission did not take such point into consideration when the Commission determined the matter. For the avoidance of doubt, the Commission carefully considered all of the evidence and material furnished with regard to this case.

10. **The Relevant FA Rules**

Rule E3.1 provides that:

*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.*

Rule E3.2 provides for:

*“Improper conduct, aggravated by 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.”*

Appendix 1 Part A of the FA Disciplinary Regulations stipulate:

*Where a Participant commits an Aggravated Breach a Regulatory Commission shall impose an immediate suspension of between six and twelve matches on that Participant. The Regulatory Commission may impose a suspension in excess of twelve matches where aggravating factors of significant number or weight are present.*

*A Participant who commits an Aggravated Breach shall be subject to an education programme, the details of which will be provided to the Participant by The Association.*

*A Regulatory Commission may impose a financial penalty or any other sanction that it considers appropriate as provided by paragraph 40 of Part A of the Disciplinary Regulations.*

#### Regulation 96

*FA Disciplinary Regulation 96 specify offences against match officials into three categories – Threatening behaviour; physical contact or attempted physical contact and assault or attempted assault.*

*Regulation 96.1 provides:*

*Threatening behaviour as words or action that cause the match official to believe that they are being threatened. Examples include but are not limited to the use of words that imply (directly or indirectly) that the match official may be subjected to any form of physical abuse either immediately or later, whether realistic or not, the raising of the hands to intimidate the match official; pretending to throw or kick an object at the match official.*

#### **The Evidence**

11. The Commission had been provided with a bundle of documents containing all the evidence which had been read and considered.
12. The Commission heard from the following witnesses:

#### **Evidence in support**

##### Jack Yarwood

Mr Yarwood is the Meadow Park captain. He had been asked to provide a statement by his club secretary the day after the match to complain about the referee's decision making. He had provided a written statement in which he complained of the referee ruining what he felt would have been a competitive

league game against 2 excellent teams. He complained of the referee replying telling his team to *“shut up”* when asking questions about his decisions and replying with snide remarks such as *“I’m the ref I can say what I want”*. He also complained of the referee saying to him *“I’ve never heard a team moan so much your (sic) like a bunch of girls”* and failing to stop for a head injury to their goalkeeper when even an opposition player checked on the goalkeeper.

Under questioning he confirmed that the gender based comment was made towards the end of the first half and was adamant that he had correctly reported what he heard. He explained that the comment was made after he challenged one of many fouls being awarded against his team.

He was unable to recall which players were close by to hear the comment.

He was questioned about his reaction which he explained was to laugh it off by saying to the referee that *“you can’t say that as a referee, start making decisions correctly and we wouldn’t have to moan.”*

#### Xavier Symonds

Mr Symonds is the Meadow Park manager and was also asked by his club secretary to provide a statement the day after the match to complain about the referee’s decision making. He had filed his statement via the FA Full Time facility following which the Worcestershire FA made contact to follow up on the aggravated comment. He was stood on the side of the pitch and admitted that he was unable to hear any comments made by the referee and only learned of it from Jack Yarwood’s statement.

#### Max Colebrooke

Mr Colebrook had provided a statement in which he also largely criticised the referee’s decisions. He also said that the referee was answering back to their players’ complaints by making sarcastic comments, by telling them to shut up and that they *“moaned like a bunch of girls”*.

Under questioning he conceded that he was unable to recall the full exchange or the particular decision which was being contested, but he was sure of the

comment, namely “you *moan like a bunch of girls*”. He felt that the comment was made over the sin bin incident but was sure it was only said once, but the “shut up” comment was made many times. He recalled that the incident was between their penalty area and the halfway line.

#### Daniel Moy

Mr Moy had provided a statement covering the threatening behaviour charge he faced and the refereeing decisions. The statement did not cover the comment surrounding the E3.2 charge. Under questioning he candidly conceded that he did not hear any such comment. He explained that he was told of it by Jake Yarwood in the car park after the match.

### **Evidence in response**

#### Roy Storr

Mr Storr had not provided a written statement. He had provided a comment on the acknowledgement form that he was not guilty and was not intending to call any witnesses but would be challenging the witnesses.

Under questioning he explained that he first learned of the complaint upon receipt of the email from the Worcestershire FA on 27 September, 3 days after the match.

He admitted that he did make the comment “*bunch of moaners*” but explained that he would not ordinarily link it with girls. He had received equality training on an ongoing basis through his work as a Housing Officer for his local authority and would not therefore make any discriminatory comment.

He was asked about any response to his comment calling Meadow Park a bunch of moaners. He explained that the captain (Jack Yarwood) laughed.

### **Decision**

13. As part of the deliberations the Commission reminded itself of the standard of proof which was required in order to find the charges proven, which was on a balance of probability.
14. The Commission considered all of the evidence that had been presented.
15. It was a matter for the Commission to determine which evidence to accept and reject where there were discrepancies between the evidence of the witnesses.
16. Having determined which evidence the Commission accepted and rejected, the Commission then went on to determine the charges on the balance of probabilities. The decision of the Commission was to find the charges **proven**.

### **Reasons for the Decision**

17. The Commission was satisfied of the evidential burden on a balance of probability. The Commission was persuaded by the fact that the Meadow Park witnesses were sent as complaints about the performance of the referee. The statements were not sent in with the intention of getting the referee into trouble for making a discriminatory comment. The witnesses were not specifically requested to comment upon any discriminatory language. The discriminatory comment was freely volunteered by the witnesses without realising the significance of the information they were providing. Indeed, the witnesses were candid and conceded that whilst realising that the comment did not sit right, they did not think much of it. The Commission found the witnesses reliable and convincing. Indeed, there was an absence of any indication of collusion or embellishment with two witnesses candidly conceding they were unable to hear from their respective positions.

By contrast, Mr Storr was less convincing on the crucial aspect. He admitted to saying that Meadow Park players were a “*a bunch of moaners*” but went on to say “*ordinarily*” he would not include reference to girls. This cast doubt upon his recollection of the actual incident and what he actually said.

In those circumstance the Commission was satisfied that the E3.2 charge was made out on a balance of probability.

### **Sanction**

18. Having found the charges proven the Secretary informed the Commission of Mr Storr's previous disciplinary record which was a clean record.
19. The Commission then heard from Mr Storr as to mitigation.
20. Aggravating and mitigating factors were then considered. It was noted that this was a singular comment. The fact that he was a referee in a position of authority was considered an aggravating factor. The previous clean record was viewed as mitigation.
21. Reference was made to all the FA Rules including the Disciplinary and Sanction Guidelines in arriving at the sanction.
22. The following sanction was imposed:
  - (i) Mr Storr will be suspended from all refereeing and football activity for 42 days. The suspension was term based in view of him being a match official.
  - (ii) He will be required to complete an education course (on line) within 28 days of this decision or before the expiration of the suspension, whichever is later, failing which he will be suspended indefinitely until completion of the course.
23. There is a right of appeal in accordance with the FA Regulations.

**Daniel Moy**

24. The Commission the considered sanction in relation to the threatening behaviour charge which Mr Moy had admitted. He had requested sanction to be determined in his absence at a non – personal hearing.
25. Aggravating and mitigating factors were then considered. The Commission noted the following aggravating factors:
  - (i) The abandonment of the match.
  - (ii) Mr Moy had to be physically restrained.
  - (iii) Mr Moy had not used the sin bin as an opportunity to calm down.



- (iv) The threat was accompanied by particularly crude and vulgar language.
- (v) He accused the referee of cheating and being untruthful in his statement. There was an absence of genuine remorse.

The following mitigating factors were taken into consideration:

- (i) The previous clean record.
- (ii) The guilty plea.
- (iii) His medical condition.

26. Reference was made to all the FA Rules including the Disciplinary and Sanction Guidelines in arriving at the sanction.

27. The following sanction was imposed:

- (i) Daniel Moy will be suspended from all football activity for 133 days. The recommended entry point of 112 days was aggravated by 6 weeks to 154 days but then mitigated down by 3 weeks to 133 days.
- (ii) He will be fined the sum of £70.00.
- (iii) He will be required to complete an on line education course within 28 days this decision or before the expiration of the suspension, whichever is later, failing which he will be suspended indefinitely until completion of the course.
- (iv) Meadow Park FC will be subjected to 8 disciplinary points.

28. There is a right of appeal in accordance with the FA Regulations.

10 November 2023

Yunus Lunat (Independent Chairman)

Lea Taylor

David Jones

