

Football Association Regulatory Commission (the 'Commission')

In the matter of a Wrongful Dismissal claim brought by AFC

Bournemouth (the 'Club') on behalf of Simon Francis (the 'Player')

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Tuesday 5th January 2016.
2. The Commission members were Mr S Ripley (Chairman), Mr R Pawley and Mr G Farrelly.
3. The Commission members were advised on the Laws of the Game by Mr E Wolstenholme of the Referee Advisory Panel. In particular, the Law relating to 'Denying an obvious goal scoring opportunity' and the factors considered by a Match Official when determining such an incident. Mr Wolstenholme remained available to answer questions with regard to the Laws of the Game, however took no part in discussions concerning the actual specifics of the case.

4. Mr P McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
5. In order for a claim of Wrongful Dismissal to be successful, the Player and his Club must establish by the evidence it submits that the Referee made an obvious error in dismissing the Player.
6. The relevant incident took place in the Leicester City FC v AFC Bournemouth, Premier League fixture which occurred on Saturday 2nd January 2016.
7. In his Official Report Form the Referee, Mr Andre Marriner, stated *“In the 57th minute of the game Simon Francis fouled an opposing player in the penalty area thus denying an obvious goal scoring opportunity. I sent off Simon Francis under section S5 which is denial and the award of a Free-kick/Penalty.”*
8. The Club submitted video footage evidence of the incident from a number of angles in both real-time and slow-motion and this was supported by an

email from the Club Secretary, Neil Vacher, the contents of which the Commission read and noted.

9. The Commission was mindful that there were two stages to consider when accessing the denial of an obvious goal scoring opportunity. The first, did the Player commit a foul punishable by free kick or penalty? Secondly, if so, did that foul deny an obvious goal scoring opportunity?

10. Having viewed the available footage of the incident on numerous occasions and having considered the Club's submissions, the Commission members unanimously agreed that the Player tackled through the side/back of Mr Vardy, who had managed to position his body between the player and the goal, before making a slight contact with the ball and therefore the Player had committed a foul punishable by free kick or penalty.

11. As the Commission acknowledged the Player had made a slight contact with the ball at the end of the sliding challenge, the members noted that making contact with the ball does not automatically make a challenge a fair one. For instance, if a player first fouls an opposing player in order to reach the ball, the incident is deemed a foul and not a successful tackle. In a

general sense of the Laws of the Game this was agreed by Mr Wolstenholme.

12. The Commission members agreed that the Player actually made contact on the side/back of Mr Vardy's right leg before he made contact with the ball and this knocked Mr Vardy out of his stride and brought him down.

13. Once the Commission had established that a foul had been committed by the Player, it was obvious to the Commission members that, given the direction of the ball, the control Mr Vardy had over it, the distance from goal and the lack of covering defenders, an obvious goal scoring opportunity had been denied to the striker.

14. The Regulations state that the burden lies with the Club to submit evidence that proves that the referee made an 'obvious error' in sending the Player from the field of play and in this instance the Commission members did not feel that they could say, based on the evidence before them, that he had made an 'obvious error' or in fact had made an error at all. As such the claim failed.

15. The Commission did not feel the claim had no chance of succeeding and were not minded to increase the automatic suspension.

16. In accordance with the relevant FA Regulations, this decision is final and binding and may not be appealed.

Stuart Ripley

Regulatory Commission Chairman

5th January 2016