

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION

On 1st June 2022

Jonathan Rennie (Chair), Stuart Ripley, Gordon Mellis

BETWEEN:

**Hackney Juniors Community FC
(Appellant)**

And

**London FA
(Respondent)**

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board (“the Board”) was appointed in accordance with The Football Association’s (“The FA”) Disciplinary Regulations- Appeals 2021/22 (“the Appeal Regulations”) to determine an appeal brought by Hackney Juniors Community FC (“the Appellant”) (“Hackney”) by Notice of Appeal dated 26 April 2022.

2. By the Notice the Appellant appealed the decision of the London FA (“the Respondent”), notified to the Appellant on 15th April 2022, that the Club be fined £75 and be subject to 9 disciplinary points in consequence of being found to have breached FA Rule E20 by failing to ensure player/or spectators conducted themselves in an orderly fashion.

3. The Board noted that the appeal was lodged on 3 grounds being 1) failed to give the Appellant a fair Hearing and 2) came to a decision which no reasonable body could have come to and 3) imposed a penalty, award, order or sanction that was excessive.

4. The appeal was heard on 1 June 2022 by way of MS Teams. There was no attendance from any parties and so the Hearing was determined on the basis of the comprehensive papers provided.

5. The Board had before it:

- a. The Notice and the supporting materials of the Appellant;
- b. The Respondent’s Response with supporting documents;
- c. Papers of first instance; and
- d. the original results letter and written reasons

Submissions of the Parties

6. The Appeal was determined on the basis of the papers provided and the Board read and discussed all the papers. The fact that not all papers are referred to in this decision should not be assumed to mean they were not considered.

7. The Board noted that the original case proceeded as if the charge was denied since no response from the Appellant to the charges was lodged on the Whole Game System (WGS). It follows that Hackney did not provide any evidence or alternative version of events for the original Commission to consider or provide any submissions to assist proceedings at the original Hearing.

8. It was not for the Board to interrogate why Hackney had so failed to respond to correspondence on multiple occasions and the reasonable outcome from their non-response in the Board’s view was that the original case be heard in their absence. That is the standard practice where no response is received. The Board did not then consider that Hackney had been denied a fair hearing. There is no

suggestion or inference to be drawn from the original Commission determination that the Appellant's non-attendance led to a pre-determined outcome. This appeal ground was not upheld.

9. The additional appeal ground was pled by the Appellant that the Commission came to a decision that no reasonable body could have reached. As a point of principal, there is a very high threshold for a Claimant to surmount to be able to demonstrate that a Commission has acted unreasonably. As is well established, an Appeal Board should only interfere with an original Commission decision under this heading in exceptional circumstances. The Appellant has not provided cogent reasons as to why this appeal ground should proceed and consequently it is not upheld. The original Commission determination is very clear on the rationale for the decision making which was on the balance of probabilities. This appeal ground was not upheld.

9. The third appeal ground was pled by the Appellant that the Commission determination of sanction was excessive. This ground was ticked on the appeal form but not particularly well expanded upon in the written notice of appeal. It is accepted that appeal grounds sometimes overlap and the Board did not form a negative view of the Appellant for appealing under multiple headings. Nonetheless, the applicable sanction fell within the established parameters for the offence charged and therefore the Appeal Board found no reason to interfere with the original decision on sanction.

10. The Board unanimously dismissed the appeal on all grounds and ordered that the Appellant forfeit the appeal fee.

11. The Board's decision is final and binding on all parties.

Jonathan Rennie
Stuart Ripley
Gordon Mellis

Wednesday 8 June 2022