

The Football Association

In the matter of Martin Young. (Case number 10838042M)

Appeal Board Decision

The following are the written reasons for a decision of an Appeal Board convened by the Football Association to consider an appeal by Martin Young against the decision of a Disciplinary Commission in this matter which sat on 25th May 2022.

The following is a summary of the principal submissions considered by the Appeal Board. It does not purport to contain reference to all points considered. However, the absence in these reasons of any particular point or submission, should not imply that the Appeal Board did not take such point or submission into consideration when the Appeal Board determined the matter. For the avoidance of doubt, the Appeal Board carefully considered all the evidence and materials furnished with regard to this appeal.

The Appeal Board comprised:

Paul Tompkins (Chair) – FA Judicial Panel Member
Ian Stephenson – Football Panel Member
Lorraine Ladlow - Football Panel Member

Assisted by: Shane Comb (National Secretary Panel) acting as Secretary to the Appeal Board

1. Martin Young of Kelvedon Social FC was appealing against an FA Rule E3 finding of Improper Conduct against a match official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
2. Mr. Young had been charged by Essex FA with a breach of FA rule E3 by charge letter dated 10th of May 2022. The charge was of improper conduct against a match official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour). Mr. Young had pleaded not guilty to the charge through the Whole Game System and had requested a personal hearing.
3. The matter had been considered by a Disciplinary Commission (“the Commission”) convened by the Football Association and the matter was consolidated with four other matters arising from the same match.
4. The charge against Mr. Young had been found proven and by a result letter of the 26th of May 2022 Mr. Young had been notified after result and the sanction. The sanction

was that Mr. Young was suspended from all football for a period of 112 days and as the suspension will fall in the summer recess an additional 92 days were added to the suspension term making a total suspension of 204 days. In addition, Mr. Young was ordered to attend a face to face education course by the time the suspension has been served, was fined £100 and ten penalty points were awarded against Kelvedon Social FC. Having been subjected to an interim suspension order, the suspension was backdated to the start date of the interim suspension order.

5. Mr. Young had filed a notice of appeal against the original decision based on the ground that the Commission had imposed a penalty, award, order or sanction that was excessive.
6. In his notice of appeal Mr. Young referred to having pleaded guilty to attempting to take the cards from the referee. He had been reported for actual physical contact but alleged that this was not proven at his hearing. The appeal was confined to consideration of the additional 92 days added to the suspension term because the suspension fell within the close season. Mr. Young had requested that the 92 day suspension either be taken away to leave a total ban of 112 days or that he should be given dispensation to train his under eights' 7-a-side team in preparation for the forthcoming season.
7. The appeal board had before it:
 1. the papers at first instance including;
 - (i) the charge letter,
 - (ii) the report of Daniel Axente, the referee,
 - (iii) an additional report and emails from Daniel Axente including photographs and social media messages,
 - (iv) an e-mail from Malcolm Hards, secretary Kelvedon Social FC,
 - (v) an e-mail from John Lake of Frinton and Walton FC,
 - (vi) an e-mail from Bruce Oxley of Frinton and Walton FC
 2. Mr Young's response to the charge
 3. Statement from Mr. Young in his defence
 4. Character statement from Zeki Bekir in support of Mr. Young
 5. Mr Young's offence history
 6. The results letter and written reasons from the original Commission.
8. Mr. Young was asked to present his appeal and stated from the outset that he was aware of what he has done. He had attempted to take the referee's cards from him and did not hide from the facts. He had been accused of something different from what had been proven against him inasmuch as there had been an allegation of physical contact with the referee by Mr. Young laying his hands on the referee, which had not been proven at the original hearing. He stated that he still feels bitter about the whole process.

9. His appeal was against what he considered the injustice of the additional 92 day suspension. He understood the charge and the severity and the fact that an attempt at physical contact with a match official is bracketed with actual physical contact as the same offence but there was a question of degree. Mr. Young highlighted the fact that he had not been found guilty of actually laying his hands upon the referee, simply the offence of attempting to take the referee's book and cards away from him.
10. At the age of 35 Mr. Young did not consider he would be playing competitive football in the forthcoming season, although he might play veterans' football. To him the 112 day suspension did not represent a problem as it was a punishment to be served but he currently runs an under eights' side which is expanding to 7v7 from 5v5 and which is currently managing that transition. They have arranged four tournaments over the summer, the first of which was yesterday and which Mr. Young had not attended. The additional 92 day suspension to cover the summer months is resulting in a genuine imposition upon him and his team.
11. In a recent social media message Essex FA stated to all clubs that 1st June until 30th June represents the closed season and matches should not be played at that time. Was this the real closed season? If then why was his additional suspension 92 days and not 30 days?
12. Mr. Young stated that he had requested leniency at the original hearing and believed his mitigation had been accepted as he understood the entry level for this offence should be 182 days with a minimum of 112 days.
13. Mr. Young was asked to explain what details he had provided to the Commission of his role as a coach. He couldn't remember precisely what he had said but he had certainly mentioned his under eights' role and pledged to use this experience in his coaching especially in the area of Respect. He acknowledged this was a moment of madness and didn't realise the effect it would have on his team.
14. Mr Robert Craven, football services manager of Essex FA, then presented the response to the appeal on behalf of Essex FA. He had not been present at the original hearing and was unable to comment over and above the written reasons.
15. He was asked to explain exactly when Essex FA regards the close season to be. Mr Craven explained that the message sent by social media was intended to prevent any suggestion of 11v11 football taking place in June and that it had not been a statement of when one season finished and the next started. The under eights' league would start when the AGM of the league says it starts. In Mr Young's case there would be likely to be activity in July and August and it was accepted that there would be football activity in that time but the league season would not start until the league agreed it would, most likely in early September.

16. In summing up, Mr. Young accepted that he deserves to be punished but asks specifically that the 92 days be taken away as there is ambiguity in when it applies. He has paid the fine he will attend the training course as ordered. He takes pride in what he does and this whole episode has been embarrassing to him but he will continue to advocate respect for officials in all his coaching roles now and in the future.
17. The Appeal Board thanked Mr. Young for the concise and extremely helpful manner in which he had presented his appeal and for the understanding which he had brought to the hearing. He and Mr Craven were then invited to leave while the Appeal Board considered its decision.
18. It was clear from the Written Reasons that the Commission had sanctioned Mr. Young as a player, as was correct. He had been given a 112 day suspension from all footballing activity, as was correct. The Commission could have given a lengthier suspension but had taken into account Mr Young's mitigation. The Appeal Board saw no reason to interfere with that sanction and Mr. Young had candidly accepted this particular part of the sanction was not being challenged. This then left the summer recess question.
19. The Commission had been correct in applying the additional 92 day suspension to the suspension as it clearly covers the summer closed season. The Commission had correctly applied the rules and directives relating to suspension at this time of year. The FA guidance on the application of the additional 92 day suspension is unequivocal and the Appeal Board was not able to stray beyond accepted guidelines.
20. The Appeal Board was also conscious of the direct contact which Mr. Young had made with the referee after the game, assuming a different name for reasons which he was not able to explain. These were aggravating factors which the Commission had not appeared to take into account when sanctioning Mr. Young and therefore the suspension could have been regarded as being on the lenient side.
21. There also appeared to be a lack of appreciation on the part of Mr Young of the category into which the charge fell. Physical contact or attempted physical contact with a match official includes his/her equipment and is a serious offence. Having attempted to take the referee's book and/or cards in the way he had put Mr. Young into that category of offence and any question of degree could only be reflected in the sanction.
22. Mr. Young had allowed himself to get into a situation which had resulted in these proceedings and notwithstanding the responsible and helpful manner in which he had conducted himself subsequently, he was unable to distance himself from his own actions and was therefore inextricably bound to the consequences.
23. The Appeal Board therefore ordered:
 - (i) the appeal fails

- (ii) the appeal fee is retained
- (iii) there is no order as to costs
- (iv) this decision is final and binding on all parties

28th June 2022

Paul Tompkins

Loraine Ladlow

Ian Stephenson