

**In the Matter of the Appeal Board of  
The Football Association (the FA)**

**BETWEEN**

ABRAHAM (ABIE) ROWE (APPELLANT)

v

LONDON FA (RESPONDENT)

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**WRITTEN REASONS OF THE APPEAL BOARD**

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1. These are the written reasons for the decision made by an FA Appeal Board that heard the above mentioned case by “Teams” video conference on Wednesday 7 February 2024.
2. The Appeal Board members were Chris Reeves (Chair), Chris Goodman and Christine Harrop-Griffiths.
3. Alistair Kay Berks and Bucks FA , FA National Secretary, acted as Secretary to the hearing.
4. At the request of the parties, the Appeal was dealt with as a paper hearing in the parties’ absence.
5. The Respondent, on 9 June 2023, charged the Appellant with a breach of (“Charge 1”) FA Rule E3 – Improper Conduct – Assault or Attempted Assault on a Match Official and in the alternative (“Alternate Charge”) FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour). The Disciplinary Commission, in written reasons date 7 July 2023, and circulated on 10 July 2023, found Charge 1 proven and imposed a 5-year suspension from all football activities and ordered the Appellant to complete a face-to-face education course.
6. On 8 December 20223, the Judicial Panel Vice-Chair, Graeme McPherson KC, allowed an application made on behalf of the Appellant for an extension of the deadlines to serve their Notice of Appeal.
7. On careful consideration of the Appeal Bundle in preparation for the hearing of the Appeal the Appeal Board noted:

- (a) by email dated 16 January 2024 the Respondent confirmed it had no objection to the Appeal proceeding on all four grounds available to the Appellant.
  - (b) at the hearing before the Disciplinary Commission (“DC”) on 6 July 2023 the Appellant did not appear, neither was he represented. The DC was advised (the bundle does not state by whom) that the Appellant was aware of the hearing but did not wish to attend. The matter was therefore dealt with as a non-personal hearing.
  - (c) the Appeal Board noted in paragraph 13 of the written reasons that the considerable evidence lodged on behalf of the Appellant was given “appropriate weight” by the DC given that the statements had not been tested by live evidence. The DC went on to say that “appropriate weight” was attached to the fact that the referee had attended the personal hearing in support of his statement albeit that live evidence was not then received.
  - (d) despite the provisions of paragraph 13 of the written reasons paragraph 14 noted that the DC found the referee’s evidence was “clear and consistent” which led to the DC in paragraph 15 finding the case proven, it being more likely than not that the version of events was as set out by the referee
8. The Appeal Board were concerned that despite no live evidence being received, the single statement of the referee was preferred to the numerous statements lodged in support of the Appellant.
9. The Appeal Board noted the personal circumstances of the Appellant at the time of the initial hearing set out in his notice of Appeal.

The Appeal Board took note of the character references submitted on behalf of the Appellant.

The Appeal Board further noted the unsuccessful efforts of Anita Russell, secretary of Doverhouse Youth Football Club to bring the circumstances of the Appellant to the attention of the DC.

10. The Appeal Board noted in paragraph 10 of the Respondent's Response to the Notice of Appeal the very fair comment that had the Respondent been aware of the circumstances of the Appellant at the time of the first hearing that they would have recommended a formal postponement be requested by the Appellant.
11. Having due regard to the matters recited in paragraphs 7-10 above the Appeal Board issued a request to the parties as follows:
- "The Appeal Board, following an initial perusal of the Appeal Bundle in this case and having noted the circumstances surrounding the Appellant not being heard at the 1<sup>st</sup> instance hearing and having noted the comment of the Respondent at paragraph 10 of its response to the Notice of Appeal at page 15 of the bundle, invite the parties to advise as to whether they would be prepared to agree that this matter be sent back to the Respondent for a rehearing in order to permit the Appellant to have his evidence tested at what would, in that event be treated as an initial hearing of the matter. If both parties were prepared to agree to that proposal then the Appeal Board suggests that the Appeal be heard as a paper hearing with a view to an order being made along those lines.
12. Following receipt of the request issued by the Appeal Board at paragraph 12 above both parties agreed to the suggestion made.
13. For reasons cited in paragraphs 7(d) and 8 above and having due regard to the fact that through no fault of his own the Appellant was unable to attend the initial hearing the Appeal Board allowed the Appeal on the basis that the Appellant did not receive a fair hearing.
14. In order to give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast track Appeal Regulations, ordered the following:
- (i) The Charge is to be remitted to the County FA for re-hearing
  - (ii) The re-hearing must be concluded within 28 days of the decision being notified to the Parties
  - (iii) The interim suspension order imposed at the time of the charge remains in effect pending the outcome of the re-hearing.

15. There is no order as to costs and the appeal fee is to be returned to the Appellant.

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

Christopher Reeves – Chair of Appeal Board

Chris Goodman

Christine Harrop-Griffiths

14 February 2024