

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
FA DISCIPLINARY APPEAL BOARD PROCEEDINGS**

COMMISSION MEMBERS:

**ELLIOTT KENTON (CHAIR)
GORDON MELLIS
JOHN MURPHY**

CALLUM WRAIGHT

and

THE FOOTBALL ASSOCIATION

WRITTEN REASONS OF THE APPEAL BOARD

SECTION A – BACKGROUND

The Appeal Board

1. The Appeal Board heard this appeal on 24 October 2024 as a paper hearing following the appeal by Callum Wraight (the “**Appellant**”) of a decision made on 4 September 2024 by a Disciplinary Commission (the “**First Instance Commission**”).
2. The Appeal Board comprised of Elliott Kenton who acted as Chair, Gordon Mellis and John Murphy.
3. At that hearing, the Appeal Board unanimously dismissed the Appellant’s appeal based on the ground that the First Instance Commission imposed a penalty, award, order or sanction that was excessive.

SECTION B – THE FIRST INSTANCE HEARING

The Charges

4. On 28 August 2024, the Appellant was charged by Kent FA for breaching the following FA Rules:
 - (a) FA Rule E3 – Improper Conduct Against a Match Official (including physical contact and threatening and / or abusive language / behaviour) (the “**Charge**”).
 - (b) The Appellant accepted the Charge and elected a paper hearing. Therefore, in accordance with the FA Regulations, this matter was remitted to a

correspondence hearing to a Chairperson sitting alone (the “**First Instance Commission**”).

First Instance Commission’s Decision

5. The First Instance Commission comprised of a Chair sitting alone, Karen Hall who determined sanction.
6. Accordingly, the First Instance Commission imposed the following sanction on the Respondent:
 - 6.1 A 264 day suspension;
 - 6.2 A fine of £150;
 - 6.3 A mandatory online education course;
 - 6.4 7 penalty points.
7. The First Instance Commission considered sanction within paragraph 27 – 29 of the Written Reasons. Notably, the First Instance Commission took into account that the contact with the referee was accidental, there was some disciplinary history which aggravated the sanction, but sanction was mitigated by a guilty plea.

SECTION C – THE APPEAL

The Grounds of Appeal and Respondent’s Submissions

8. The Appeal Board were in receipt of a Notice of Appeal on behalf of the Appellant.
9. The Appellant appealed on a single ground in that the First Instance Commission imposed a penalty, award, order or sanction that was excessive. Specifically, the Appellant says the following:

“It is strongly believed that the sanction given to Callum Wraight is excessive on the grounds that:

- *The match official(s) were not the receivers of threatening behaviour. Threatening behaviour would most likely include: Verbal: “I’ll see you after the game”, “I’ll get you”, “I’ll be waiting for you” something that would imply an imminent or likely threat and intent Physical: A clenched fist, a punch, a deliberate action to intimidate and invoke violence*

Neither of the above examples and instances occurred – both of which are confirmed in all match officials and opposition club officials reports. The match officials do confirm that they did not feel threatened. This can be seen within the officials statements and reports. The contact between player and official was accidental and unintentional. This is also confirmed across statements provided by the relevant parties.

The club do accept that there was dissent and do both accept and expect repercussions and a sanction – however, genuinely feel that the sanction imposed following the incident is excessive on the basis that there was no threatening language and any contact was accidental and unintentional with no malice or threatening intent. The referee of the game – Gareth Devey – has also subsequently confirmed that he believed the sanction to be excessive and was not expecting that decision at all.

The appeal is also based on other known sanctions that have been publically released against other individuals – and believe that Callum Wright has been sanctioned far more excessively compared to instances of others where threatening language was used based on the examples and definitions suggested above – and the sanction was less than that imposed on Callum Wright.”

10. The FA have responded to this appeal on this ground with the following submissions:

“The FA charge code levied against Mr. Wright if found proven, carries a sanctioning range of between 182 days – 2 years with a recommended entry point, prior to considering any mitigating or aggravating factors, of 1 year. The FA’s Sanction Guidelines also permit a fine of up to £250 with a mandatory minimum of £150 and mandates that the Participant must attend an education course.

With the charge accepted and there no grounds for appeal relating to how the Disciplinary Commission came to their decision to find the charge and related offence to be proven, it can be inferred as a result that Mr. Wright is accepting of making physical contact with the Match Official. Mr. Wright and New Romney FC’s position that the sanction is excessive can therefore apply only to the predefined FA Regulations in totality rather than the decision subject to appeal, as Mr. Wright was sanctioned to a suspension of 264 days and a fine of £150. For the avoidance of doubt, this sanction falls 101 days below the recommended entry point and is the mandatory minimum fine. As a result, it is Kent FA’s position that this sanction cannot be considered excessive.”

11. For completeness, the FA have also provided submissions on the other grounds of appeal available to the Appellant, and have stated that none of the other grounds of appeal can be successfully made out in this case.

Appeal Board Decision

12. The Appeal Board unanimously dismissed the Appellants appeal. In doing so, they had regard to the FA Disciplinary Regulations which provide clear parameters for the sanction available to the First Instance Commission for a Charge of this nature. The First Instance Commission had clearly articulated her reasons for applying the sanction she did. She correctly applied a starting point, and applied an upward and then downward adjustment to account for aggravating and mitigating factors, before reaching a final sanction which was within the range permitted by the FA Sanctioning Guidelines.
13. The Appeal Board also noted that the Appellant suggest the sanction is excessive because the contact was not threatening. The Appellant had the opportunity to deny the Charge on this basis but did not do so. In any event, they admit that the physical contact took place which the First instance Commission was entitled to rely upon, and to which there is unequivocal evidence.
14. The Appeal Board note that the Appellant also raises that other decisions appear to be more lenient. No further information is provided as to what these decisions relate to, and in any event, the Appeal Board has considered that the First Instance Chair applied a sanction that was entirely proper in the circumstances for the reasons set out above.
15. Accordingly, the Appeal is dismissed.

Elliott Kenton (Chair) on behalf of the FA Appeal Board
24 October 2024