

**Darrell Queeley (Appellant)**

**-and-**

**London FA (Respondent)**

**DECISION OF AN FA APPEAL BOARD 5 NOVEMBER 2024**

1. The Appeal Board comprised:

Roger Burden (Chair)  
Ian Stephenson  
Nabila Zulfiqar

Shane Comb, FA National Secretary, was Secretary to the Appeal Board

2. The Appeal was held online via Microsoft Teams
3. These written reasons do not purport to refer to all points made in the course of the Appeal, however, the fact that some points are not mentioned should not imply that they were not considered. The Appeal Board carefully read, listened to, and considered, all the submissions.

**Out of Time Appeal**

4. As the Appeal was out of time, the Appellant applied to the Judicial Chair for permission to appeal out of time.
5. The Judicial Chair allowed the application in light of the reasons advanced (primarily difficult family matters) and the gravity of the case.

**Background and First Instance Decision**

6. Following a game played between Metrogas U13 and Lewisham Borough (Community) Youth FC U13 played on 04/02/24, the Appellant was charged under FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive behaviour).
7. The Club did not respond directly to the charges via the Whole Game System but submitted a response from the Appellant in which he stated that he put his hand between a player and the Referee and separated them.
8. The matter was dealt with by a Chair appointed by the FA from its National Serious Case Panel. With no plea offered, the Commission treated the matter as a “not guilty” plea as is usual in these circumstances.

9. The decision was that the case was proven and the sanction was a suspension from all football for 275 days from 19/03/24 (the date on which an immediate suspension had commenced) to 18/12/2024, a £100 fine and an order to complete a face-to-face education programme.
10. The Commission explained its calculation regarding the sanction, for which it used the FA's recommended entry point of 182 days for this offence.
11. The Commission then considered additional days for aggravating factors as follows:
  - 14 days as it believed that there was no genuine remorse.
  - 21 days as the offence took place in an under-11 match.
  - 28 days due to the Appellant's previous record which, the Commission noted, consisted of abusive language against a Match Official in November 2019 and a similar offence on 2 February 2024, the day before this match).
12. The Commission found no mitigating factors.
13. The Commission also added 30 days to account for the Close Season. When applying this addition, the Commission referred to the FA guidance from Regulation 101 on page 216 of the FA handbook.

### **The Appeal**

14. The Appellant appealed on 2 grounds:
  - a. that the Commission failed to give him a fair hearing.
  - b. that the Commission imposed a penalty, award, order or sanction that was excessive.

### **Papers of First Instance**

15. The Appeal Board had before it the papers of first instance, summarised as follows:
16. A report from the Match Referee in which he said that the Appellant, the Team Manager, had entered the field of play in an aggressive manner and physically grabbed the Referee around both arms and pushing him near his chest. The Referee said that after 10-15 seconds, he managed to use the palm of his hand to brush off the Appellant's hand. The Appellant then had to be physically restrained by officials from both teams.
17. A statement from a Club Official of Metrogas, the opposing team, in which he said that one of the Lewisham players (the Appellant's son) got into a dispute with the Referee. There was a verbal exchange where the Referee showed the player a red card, which appeared to anger the Manager, who approached the Referee. They both put their hands on each other. There was a verbal exchange and the Referee showed the Manager a red card. A couple of guys, including a Metrogas coach, put their arms on the Manager and led him away to calm down.

18. A statement from the Appellant, in which he said that the Referee was acting aggressively toward his player and had appeared to have lost control. The Ref showed the player a red card and the player swore at the Ref.
19. The Appellant said that at this point, he arrived at the incident and put his hand between the player and the Ref and separated them, moving the Ref. The Ref then screamed and ran away. A few parents then got to the Appellant just to calm things down.
20. The Appellant said that, on reflection, he could have moved the player instead of the Referee.

### **The Appellant's Written Submissions to the Appeal Board**

21. The Appellant said that he believed the length of the suspension to be excessive.
22. He stated that the hearing was unfair as he was never contacted by any parties and not given the opportunity to be present during the hearing. He said that it would have made a difference if the Commission had seen and heard the sincerity of his point of view.
23. He also said that, for one person (the Commission Chair) to come to such an impactful conclusion without any support seems to be a task bigger than any one individual.
24. With regard to the length of suspension, the Appellant said that to repeatedly add weeks based on assumptions of how he felt was not fair.
25. He added that he had been clear from the start that rules were broken and would accept a fine and suspension, but this was totally unjust and totally misjudged.

### **The Respondent's Written Submissions to the Appeal Board**

26. The Respondent said that it had followed all the proper procedural steps and that no request for a personal hearing had been made.
27. The Commission was only able to consider the evidence in front of it.
28. The Respondent referred the Appeal Board to the Commission's written reasons and noted that the sanction fell within the FA's guidelines for offences of this nature.

### **The Appellant's Oral Submissions**

29. The Appellant told us that he had been misunderstood by the Commission Chair as he had been dealt with as though he was pleading not guilty but he had not denied touching the Ref and, if he had been given an opportunity to respond personally, he would have pleaded guilty.

30. He said that when he had written that the incident had nothing to do with football, he simply meant that it had nothing to do with the game as it was a completely isolated incident in an otherwise uneventful game. It happened after the game had finished.
31. He said that there had been “previous” between the Ref and the Appellant’s son (the player involved in this incident).
32. He told us that he was really sorry that it happened and that, if he had been given the chance to appear at a Commission, he could have pleaded guilty, explained everything and apologised for what happened.

### **The Respondent’s Oral Submissions**

33. The Respondent said that it was good that the Appellant was showing remorse and being honest. It was clear that, if the Appellant had attended a Commission, his remorse would have been accepted.
34. The Respondent told us that he had nothing further to add but thanked the Appeal Board for its approach and its questions.

### **The Appellant’s Final Submission**

35. The Appellant told us that the suspension had meant that he had suffered a lot as he had been running a Step 6 club, but he had to give that up due to the suspension and it was now being run by someone else.
36. He said that his son was in football trials, but he was unable to attend with his son due to the ban.
37. He told us that he had not yet completed the education course.
38. The Appellant thanked the Appeal Board for “hearing him out” as his case was all about being heard.

### **The Appeal Board’s Deliberations and Decisions**

39. The Appellant said he admitted the charge but he was not given the opportunity to attend a hearing to present his mitigation. He had now had this opportunity through the appeal process. The issue for us is to decide whether the sanction was excessive.
40. The matter was heard by a Chair sitting alone. The Chair was properly appointed by the Football Association from the Chair members of its National Serious Case Panel. This was in accordance with FA Regulations.
41. The Appeal Board was satisfied that the hearing had been fair and that a personal hearing might only have affected the sanction, rather than the finding of the case

proven (particular as the Appellant had not denied the physical contact with the Referee).

42. We were satisfied that the Commission had followed procedures and dealt fairly with the evidence in front of it. We dismissed the first ground for Appeal ie that the Commission failed to give the Appellant a fair hearing.
43. We then went on to consider sanction. It is well established that it would be wrong for an Appeal Board to interfere with a sanction imposed by a Commission simply because the Appeal Board would itself have imposed a different sanction.
44. We did feel that the 28 days added on with regard to the previous record was on the high side but we did not feel that it was so unreasonable that we should interfere with it.
45. However, we did have two particular concerns with regard to the sanction.
46. Firstly, we noted that, in considering aggravating circumstances, the Commission had added 14 days as it did not believe that the Appellant's apology was genuine and that he had failed to understand the severity of his behaviour.
47. Whilst a genuine apology can be a mitigating factor, a failure to apologise is not one of the aggravating factors contained within the FA Disciplinary Regulations.
48. We agreed that the Commission had erred in adding 14 days for the lack of an apology and that these 14 days should be expunged from the sanction.
49. We then went on to discuss the Appellant's key point that, had he been given the opportunity to attend the Commission, he would have pleaded guilty and shown that he was sorry for what happened, he regretted the incident and knows that it is unacceptable to have any contact with the Referee.
50. The Appeal Board was satisfied that, due to poor procedures by his club, the Appellant had not been aware of the hearing and that, if he had attended, the Commission would have convinced it of his genuine remorse, just as he had convinced the Appeal Board.
51. As the Commission had (wrongly) added 14 days for his apparent lack of apology, we concluded that it was more likely than not that the Commission would, having determined the aggravating factor to be worth 14 days, have reduced the sanction for this element of mitigation by 14 days.
52. We noted that the Respondent had told us that the Commission would have accepted as a mitigating factor, the Appellant's remorse.
53. Consequently, we agreed that the original sanction should be reduced by 14 days as in 51. above in addition to the 14 days expunged in 48. above.

## **The Appeal Board's Decision**

54. The Appeal is allowed on the ground that the Commission imposed a penalty, award, order or sanction that was excessive.
55. To give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the sanction to be reduced by 28 days from 275 days to 247 days. The £100 fine and the face-to-face education course remain. The education course must be completed before the end of the suspension, otherwise the Appellant will remain suspended until he does attend the course.
56. There is no order as to costs and the Appeal Fee is to be returned.

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

Roger Burden (Chair)  
Ian Stephenson  
Nabila Zulfiqar

6 November 2024