

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

BETWEEN

ST FRANCIS YELLOW (APPELLANT)

v

SOUTHERN COMBINATION YOUTH FOOTBALL LEAGUE (RESPONDENT)

**WRITTEN REASONS OF THE APPEAL BOARD
FOLLOWING THE HEARING ON 29th May 2024**

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 29 May 2024.
2. The Appeal Board members were Chris Reeves (Chair and FA Council Member), Emma Vase and Keith Allen (both Football Panel Members).
3. Shane Comb Wiltshire FA, FA National Secretary acted as Secretary to the hearing.
4. The Appellant was represented by DJ Hamilton the coach of St Francis Yellow.

The Respondent was represented by Gary Millis its secretary, Mike Barnes Youth League Chair and Steve Nealgrove League Chair were in attendance as observers.

INTRODUCTION

5. (a) By a decision letter (sent by email) dated 22 February 2024 Sussex County Football Association found a charge pursuant to FA Rule E10 – Failure to comply with a decision of the Association proven against St Francis Rangers FC (the Club) on its own admission namely playing TB (the Player) in fixtures on 21/1/24, 28/1/24, 4/2/24 and 11/2/24 whilst serving an active suspension.

The Club were fined £40.

- (b) The Club operates two u18 teams St Francis Black and St Francis Yellow who for the convenience of administration have separate secretaries. The secretary of St Francis Black

is Del Tobias who is also the main club secretary. The secretary of the Yellow Team is Suetozar Popov.

(c) During the week commencing 5 February 2024 the Respondent signed the Player and others. On 9 February the Player's transfer had not been authorised and as a result Mr Hamilton contacted both the Sussex FA and the Respondent to seek to resolve the issue. It is the Appellant's contention that the Player was showing on the full time website as eligible to play in the fixture on 11 February v Billingham and believing that to be the case and relying on that information the Club played the Player in that game.

(d) At page 17 in the Application Bundle the Appeal Board noted an email from Charlie Thurgood of Sussex County FA confirming that "the Whole Game System was incorrectly updated to show that the game on the 14 January 2024 – Broadbridge Heath u18 v St Francis Rangers u18 Yellow was used to serve the suspension."

The email however went on to say "As T had not yet transferred to the Yellow Team this game should not have been allowed to be used to serve the suspension" and later the email states "... and this is why the club were subsequently charged with playing whilst suspended which they accepted."

6. On 23 February 2024 as a consequence of the decision of the Sussex FA, the Respondent charged the Club with a breach of its rules 18 N(i) and Cup Rule 5(e) (the Charge Letter) namely playing an ineligible player TB in games that took place on 21/1/24, 28/1/24, 4/2/24 and 11/2/24.

The Charge Letter stated inter alia that should the matter be proven the maximum fine was £100 and that any points gained will be deducted.

7. The Respondent's Rule 18N(i) reads:

18(N)(i) Subject to Rule 18(N)(ii), any Club found to have played an ineligible Player in a Competition Match or Matches where points are awarded shall have the points gained from that Competition Match deducted from its record, up to a maximum of 12 points, and have levied upon it a fine in accordance with the Fines Tariff.

Rule 18N(ii) reads:

18(N)(ii) The Management Committee may vary the sanction as relates to the deduction of points set out at Rule 18(N)(ii) only in circumstances where the ineligibility is due to the failure to obtain an International Transfer Certificate or where the ineligibility is related to the Player's status.

8. The Charge Letter was responded to by the Appellant accepting the charge and asking that the matter be dealt with in the Appellant's absence. The response form was signed by both Del Tobias Club Secretary of St Francis Rangers FC and Svetozar Popov Team Secretary of the Appellant.
9. (a) By email dated 24 February 2024 the Respondent informed Del Tobias that in the light of the acceptance of the charge the three points won by the Appellant in the game on the 11 February v Billingham had been removed and awarded to Billingham.
- (b) By the Respondent's rule 7F the time limit for lodging an appeal with the FA against the Respondent's decision would expire on 9 March 2024
- (c) The Appellant did not appeal within the prescribed time limit and on 10 May 2024 the Judicial Panel Chair (the JPC) considered an application from the Appellant to appeal outside of the time frames. The JPC referred the matter to be heard by a full Appeal Board at an oral hearing.

APPLICATION TO BE ALLOWED TO APPEAL OUT OF TIME

10. The Appeal Board therefore first considered the Appellant's application to be allowed to appeal out of time on the grounds that the Respondent came to a decision to which no reasonable such body could have come and that it failed to give that Participant a fair hearing.
11. (a) Mr Hamilton in support of the application for leave to appeal out of time sought to rely on the alleged failure of the Respondent to notify "the correct and relevant parties". He lent emphasis to his contention that St Francis Yellow was a separate entity to St Francis Rangers FC and that the St Francis Yellow Secretary Svetozar Popov had signed the response

form admitting the charge purely as a counter signatory to Del Tobias the main Club Secretary believing the matter to relate exclusively to the black team and not the yellow.

(b) Mr Hamilton further sought to rely on the erroneous entry on the Whole Game System referred to in paragraph 5(d) above as justification for the Player being played and that the Respondent had been unaware of the error when making their decision. He further referred to a meeting being arranged at Shoreham FC on 5 March 2024 with the Respondent which he believed “would resolve the issue”.

(c) Mr Hamilton argued that the information lodged by the Appellant demonstrated that the Appellant had acted in good faith throughout and should be allowed to pursue its appeal.

12. (a) In response to the application and urging the Appeal Board to dismiss it Mr Millis drew the Appeal Board’s attention to the email exchanges between the Sussex FA and Del Tobias at pages 49 and 50 of the Application Bundle when the explanation of the reason why the Player was suspended for the game on 11 February was given to Mr Tobias and accepted by him and that that game together with one on the 4 February should be added to the charges against the Club which point was accepted by Mr Tobias by his email of 13 February 2024 timed at 3.51 pm.

(b) Mr Millis further referred to the acceptance by the Club of the charge of playing an ineligible player raised by the Respondent as evidenced by the signatures of both Mr Tobias and Mr Popov to the Reply Form referred to in Para 7 above.

(c) Mr Millis informed the Appeal Board that the meeting at Shoreham FC had not been called to discuss the subject matter of the Charge Letter but rather to try and help St Francis Rangers with its administration which the League felt needed improvement.

13. The matters recited in paragraphs 10 and 11 above are a summary of the principal submissions provided to the Appeal Board by the parties in respect of the Appellant’s application to appeal out of time. The summary does not purport to contain reference to all

the points made. For the avoidance of doubt the Appeal Board considered carefully all the evidence and materials provided to it.

14. Having heard submissions from the parties they were invited to leave the hearing and the Appeal Board considered the application in private and unanimously agreed to allow the application. The Appeal Board accepted that whatever the reasons for it that the Appellant had honestly felt that (a) it had not done anything wrong and (b) there had been a failure to appropriately inform the yellow team secretary of developments and that (c) it had expected the meeting with the league to “resolve matters” and that in the interests of justice it was appropriate to allow the appeal to proceed notwithstanding it had been lodged outside of the permitted time frame.
15. The parties were then readmitted to the hearing, a decision of the Appeal Board was announced and Mr Hamilton was then invited to submit the appeal on behalf of the Appellant.

APPEAL PROCEEDINGS

16. Mr Hamilton in his submissions reiterated the length to which he had gone to check that the Player was eligible to play in the fixture on 11/2/24 v Billingshurst.

He again referred the Appeal Board to the erroneous entry on the Whole Game System acknowledged by the Sussex FA which appeared to show its Player was eligible to play.

17. (a) The Appeal Board noted Mr Hamilton’s strong representation that the St Francis Yellow team was a separate entity to St Francis Rangers FC. It had its own secretary Mr Popov and that any correspondence re the yellow team should have been sent to him and not to Mr Tobias.
- (b) The Appeal Board, however, noted the Respondent’s confirmation that St Francis Rangers FC was affiliated to the Sussex County FA as a single Club and that the Respondent

recognised them as a single Club. The Appellant was an individual team within St Francis Rangers FC.

18. The Appeal Board noted Mr Hamilton's submission that he did not know of the 3 points deduction until a parent of one of the players in the Yellow team sent him a screenshot of the league table on the 17 February showing the deduction.
19. The Appeal Board noted the extract from an email sent by Sussex FA to the Respondent on 29/2/24 which read "There has clearly been some confusion and that St Francis Rangers as a club believed that the suspension had been served and he (the Player) was eligible to play on 11/2/24 – I can confirm that the Whole Game System would have shown that the suspension was served prior to the game on the 11 February".
20. The Appeal Board reminded Mr Hamilton that the charge of fielding an illegible player was an absolute offence and that it was ultimately the responsibility of the Club to ensure that all players fielded in its teams were eligible for the match in which the Player played.
21. In answer to the submissions made by Mr Hamilton in support of the appeal Mr Millis on behalf of the Respondent reiterated the matters that he had earlier urged on the Appeal Board, namely that the Club by its own admission had accepted the charge pursuant to FA Rule E12 in respect of fielding an illegible player and that further the Club had accepted the charge imposed by the Respondent in respect of a breach of League rules 18(N)(i) and Cup Rule 5e and that the acceptance had been signed by both Del Tobias and Svetozar Popov secretaries for St Francis Rangers FC and St Francis Yellow 18 team respectively.
22. In response to questions from the Appeal Board Mr Hamilton acknowledged that he appreciated that there had been a misunderstanding on his part and that he now understood how the charge had come about. He acknowledged that he was not fully versed in administrative matters and that "I have now been informed" He thanked the Appeal Board for its time and for allowing the appeal to proceed.

CONCLUSION

23. Whilst having considerable sympathy for the position in which Mr Hamilton found itself, the Appeal Board reminded itself that the charge of fielding an illegible player was an absolute offence and that given the acknowledgement by the Appellant acting by both its club secretary Mr Tobias and yellow team secretary Mr Popov that the charge was accepted the Appeal Board unanimously decided that the Appeal should be dismissed.
24. There is to be no order as to costs and the appeal fee is to be forfeited.
25. The Appeal Board's decision is final and binding on all parties.

Christopher Reeves (Chairman)

Emma Vase

Keith Allen

5 June 2024