

FA NATIONAL SERIOUS CASE PANEL
DISCIPLINARY COMMISSION
CHAIRMAN SITTING ALONE

*on behalf of
Amateur Football Alliance*

CORRESPONDENCE HEARING

*of
Liam Harvey*

CASE NUMBER 11510822-M

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains offensive and/or discriminatory language

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Introduction

1. On 26th November 2023, Liam Harvey played for Junction Elite FC Sunday 2nds against Ribblesdale Rovers First in a Southern Sunday Football League game, Donovan Thomas Cup .
2. The case refers to the allegation that Liam Harvey used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault or Attempted Assault against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Harvey kicked the ball at the Match Referee after being sent to the sin-bin or similar.
3. Should the charge of Improper Conduct - Assault or Attempted Assault on a Match Official be found not proven then a charge of Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour) be will be considered by the Commission.

The Charge

4. On 20th December, 2023, Amateur Football Alliance charged Liam Harvey with:
CHARGE 1 - FA Rule E3 - Improper Conduct - Assault or Attempted Assault on a Match Official
Alternate Charge 1: FA Rule E3 - Improper Conduct against a match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
5. Amateur Football Alliance included with the charge letter the evidence that it intended to rely on in this case.
6. A response to these charges were required from the club by 27th December, 2023.

The Reply

7. Liam Harvey has not replied to the charge.

The Commission

8. The Football Association ("The FA") appointed me, Christine Harrop-Griffiths, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing & Evidence

9. I adjudicated this case on 7th January 2024 as a Correspondence Hearing (the "Hearing").
10. I had received and read the bundle of documents prior to the Hearing.
11. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to these cases.
12. With the FA's standard procedures, the case was designated as "*Default Deny-Correspondence Hearing*".
13. The following evidence was provided in the case bundle.

The Match Referee, submitted an Extraordinary Incident Report on 8th December 2023 which read as follows:

"In the 70th minute of the match, the Junction Elite #5 and Captain Liam was shielding the ball out of play for a goal kick and was being contested by an opposition player.

There was a bit of a tustle with both players but the ball went out for a goal kick and that's what I awarded.

Liam wasn't happy with this and said "are you fucking blind", I delayed the game to go and chat with him about his use of language to which he repeated, "you're a blind cunt"

As a result of this I sent him to the sin bin. He then looked at me and kicked the ball with somewhat force towards me and it hit me on the thigh.

*The distance between this was around 5 yards, so was clear intent to strike the ball at me.
As a result of this I sent him off and he walked off the field.
The game continued with no further issues".*

14. A Ribblesdale Rovers club official who was acting as linesman on the day provided the following information relevant to the alleged incident :

"The opposition player appeared to be complaining to the referee about the decision not to award a free kick (though I was not close enough to hear what was said)

This continued for some time whilst the opposition player (though they were not playing in goal) prepared to take the goal kick

Consequently the referee paused play and issued a yellow card (presumably for dissent)

In response to this, the opposition player kicked the ball at the referee and it made contact with the referee. This was not an aggressive kick, but it was deliberate and aimed at the referee.

The referee responded by issuing a red card, following which the opposition player left the field and sat on the side-lines for the rest of the game

I was not close enough to the incident to hear any of the words exchanged but it is absolutely worth noting that since receiving the red card, the opposition player left the pitch and did not cause further issue. Proper respect to the referee is a must, but the player did take the red card".

15. Despite attempts by Junction Elite FC to obtain a response to the charge from Mr Harvey, they had to report via e-mail on 18th December 2023, that *"I have been attempting to get an answer from the player in question on this but I've still had no response from him so at this point I will say that no statement will be provided by our player"*.
16. That concluded relevant evidence in this case.

Standard of Proof

17. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event

occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

18. As no response has been provided by Mr Harvey, the only evidence is from the referee and the linesman on the day. There seems to be no dispute that Mr Harvey kicked the ball at the referee and that it hit him. It is also consistently reported by both witnesses that the kick was deliberate and aimed at the referee.
19. The language used by Mr Harvey was reported by the referee but could not be heard by the linesman.
20. It therefore seems to be undisputed that the ball was kicked at the referee by Mr Harvey and that such kick was deliberately aimed at him. As such, I find that this meets the criteria for Assault as defined on page 218 of the FA Handbook, paragraph 96.3:

“Assault or attempted assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury), examples include ...kicking or throwing any item directly at a Match Official”.

21. I therefore find Charge 1, FA Rule E3 - Improper Conduct - Assault or Attempted Assault on a Match Official, PROVEN.

Previous Disciplinary Record

22. I sought the offence history of Mr Harvey and discovered that he has no previous misconduct charges.

Mitigation

23. No mitigation has been offered by the player who completely failed to respond to the charge..

The Sanction

24. I noted that the Sanction Guideline for the E3 Assault offence under this charge is as follows:

Immediate suspension from all football activity for a period of between 5 years and 10 years, subject to the following:

where the Participant is aged 14 or under, the standard minimum suspension shall be 2 years; and

where any assault causes serious injury to the Match Official, the standard minimum suspension shall be 10 years.

an order that the Participant completes an education programme before the time-based suspension is served.

25. After taking into consideration all circumstances in this case, I find it clear that there was intent to kick the ball at the referee hence constituting assault. Mr Harvey did leave the pitch as soon as the caution was issued which is to his credit but there has been no apology, mitigation or response received. Mr Harvey is therefore:

25.1. Suspended from all football activities for 5 years, backdated to the start of the interim suspension on 20th December 2023.

25.2 ordered to complete a face-to-face education course. This must be completed before the time-based suspension is served.

25.3 8 (eight) club penalty points to be awarded.

26. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Christine Harrop-Griffiths (Chairman)

10th January 2024