

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Amateur Football Alliance

NON-PERSONAL HEARING

of

Sidrit Sinanaj

Illyrian FC

[Case ID: 11248992M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 22 April 2023, Illyrian FC First (“Illyrian”, the “Club”), played a Middlesex County Football League Division One North/West fixture against Harrow Bhoys FC First (“Harrow”) – collectively the “match”.
2. Following the fixture, the appointed Match Official submitted an Extraordinary Report regarding the alleged misconduct of an Illyrian player.
3. Amateur Football Alliance (“AFA”) investigated the reported incidents.

The Charges

4. On 31 May 2023, AFA charged Sidrit Sinanaj:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour);
 - 4.2. It is alleged that Sidrit Sinanaj used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Sinanaj attempted to slap/strike the referee after the fixture or similar.
 - 4.3. AFA advised in the charge letter that the range of sanction for this offence was a suspension of between 112 days and 2 years with an entry point, prior to considering any mitigating or aggravating factors is 182 days; a fine of up to £150, with a mandatory minimum fine of £75 and a mandatory education programme to be completed before the time-based suspension is served.
 - 4.4. The charge letter further informed Illyrian that Sidrit Sinanaj, due to the serious nature of the offence, is immediately suspended from all football

and football activities from 31 May 2023 until the case has been dealt with by the Association.

4.5. The relevant section of FA Rule E3 states¹:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

5. AFA included with the charge letter the evidence they intended to rely on in this case.
6. Sidrit Sinanaj was required to respond to the charge by 07 June 2023.

The Reply

7. As of the date of the hearing no formal response to the charge has been received.
8. During the investigation, evidence was submitted from:
 - 8.1. Match Referee, Extraordinary Incident report and further e-mails;
 - 8.2. Statement from Harrow Bhoys FC;
 - 8.3. E-mail correspondence from Illyrian FC.

The Commission

9. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

¹ p. 141 of FA Handbook

The Hearing and Evidence

10. The case bundle was sent via e-mail to the appointed Chair 08 June 2023 to be completed within 3 working days.
11. I adjudicated this case on 09 June 2023 as a correspondence hearing.
12. The following is a summary of the principal submissions provided. 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 we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case. Where relevant names have been removed from evidence.
13. The appointed Match Official for the fixture submitted an Extraordinary Incident Report via WGS 23 April 2023 which states the following:
 - 13.1. The report in full states *"After the final whistle a player from Illyrian Started to approach me with his hand out saying we'll done I went to shake his hand but he seemed a bit aggressive with the handshake then he decided to try and slap me which was witnessed by the home team manager and secretary when I asked for his name at the time they (Illyrian) refused to give me the name"*.
 - 13.2. Included within the case bundle is further communication with Illyrian FC by the Referee in an e-mail sent on the date of the game to try and identify the offender with the Referee asking *"After today's game one if your players approached me looking for a handshake saying well done then he preceeded to try and slap me wich was witnessed by the home team secretary and the home team manager could I please get the players name as when I asked at the time nobody would give it to me"*.
 - 13.3. On the same date the club respond and ask for a description of the offender, the Referee replies noting they were wearing the no 8 shirt. In response the club state *"that would be Sidrit Sinanaj, but we will verify before confirming"*. This is sent onto the AFA on 12 May 2023.

- 13.4. In response to an e-mail requesting clarification on the incident the Referee responds on 27 April 2023 *"I have been given the name Sidrit Sinanaj by Illyrian as the person who attempted to slap me it happened at the end of the game by the touchline if i had not moved my head he would have made contact with my face this incident was witnessed by both the home team secretary and manager"*.
14. The next part of the case bundle is a statement from Harrow Bhoys FC, dated 03 May 2023 this provides their observations on the incident as follows;
- 14.1. They were running the line during the fixture and at the end of the game saw *"a player for Illyrian approached the referee shouting 'I will shake your hand, I will shake you hand' The referee put his hand out to shake it but was slapped in the face twice by the Illyrian player who initiated the handshake. The referee kept his cool and didn't retaliate. The attack was stopped as several players from both sides jumped in to stop the attacker and pull him off. He was pushed off the pitch towards the area his team and supporters had gathered"*.
- 14.2. The witness continues noting they were not able to get the shirt number *"as he had taken his match top off, and was wearing a black bodywarmer. I within 10 feet of the incident"*.
15. The case bundle then contains a series of communications between Illyrian FC and the AFA, the first displayed in the case bundle notes the following;
- 15.1. The first is a direct response to an e-mail dated 09 May 2023 and asks for clarification on the player involved as Sidrit Sinanaj, this was sent after the previous request sent on 03 May 2023 went unanswered. The response dated 09 May 2023 adds *"Sidrit Sinanaj is currently not with our team, the best we can do is provide his contact details to aid you in your investigation. Our club secretary was not at the match so it is not factual that he witnessed this. We will ask our manager for his witness statement"*.
- 15.2. They also state *"We are unaware that anything of this sort occurred, but want to highlight that whatever happened between Sidrit & the match official is an individual matter and our club will aid the investigation fully and apply*

sanction to the player if found responsible, but would like to iterate the distinction between our club and the player in question”.

16. The second piece of correspondence between the club and the AFA is an e-mail trail beginning 24 April 2023, part of this includes a response from the club dated 12 May 2023 after the club had managed to contact the alleged offender and provides the following;

16.1. Having managed to contact the Sidrit Sinanaj who had been away they note *“He is not the player in question as he was wearing shirt number 8 at the match. When asked, he confirmed he had not seen the supposed occurrence take place. Our manager did not attend on the day, so we are unsure who the coach which witnessed the event is. We have asked around and there is much confusion within our club as no one had seen this event. We would advise the referee confirm he was sure it was one of our players and not a fan or something of the sort. Then we will do our best to help identify what actually happened”.*

16.2. In response on 15 May 2023 the AFA state *“We can confirm that it was an Illyrian player who participated in this fixture and Sidrit was Identified to the referee as being the player in question by the club. Could you please confirm who was wearing the #8 shirt for Illyrian for this fixture and provide their observations, as this is who has been identified as being involved in this incident”.*

16.3. Following a request for more time to investigate, on 23 May 2023 Harrow respond *“We have messaged Sidrit and he insists that he had no interaction with the referee and therefore does not want to provide a witness statement. Can you advise what we should do as a next step?”.* The AFA then request confirmation as to which player was wearing the no 8 shirt for the fixture, there is nothing further within the case bundle in the form of a response to this request.

17. That concluded the relevant evidence in the case.

Standard of Proof

18. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

19. For case **11248992M** Sidrit Sinanaj for physical contact on a match referee there has been no response therefore it will be considered as a deny by correspondence.
20. The threshold for a charge such as this is contained within the FA handbook and states as follows;
 - 20.1. *“96.2 Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment)”*
21. The Commission considered the written evidence presented to them; the Referee is clear in the allegation of an attempt to slap him at the end of the fixture following an *“aggressive”* handshake; this would have made contact with him had he not taken avoiding action. They have then required intervention from other players to remove them from the area. There is also a supporting statement from the opponents on the day that support the allegation of the Referee that the incident has taken place although the author believes contact was actually made on two occasions.
22. Following attempts on the day to identify the individual the Referee includes the shirt number of the alleged offender in an e-mail exchange with the club as number 8. The club confirm it was the participant charged who was wearing that number and the Commission are satisfied the correct person has been identified and charged.

23. There is no direct response to the allegations from Sidrit Sinanaj to provide their observations on the incident, through the club they have denied being involved and do not wish to provide any statement on what had taken place. The Commission believe, on the balance of probability it is more likely than not, the events as described by the Referee, have taken place.
24. The action of Sidrit Sinanaj in attempting to slap the Referee is considered confrontational and does meet the threshold for the charge of Physical Contact against a Match Official; therefore, the Commission have found the charge as **Proven**.

Previous Disciplinary Record

25. Sidrit Sinanaj' five-year offence history contains no other misconduct relating to this offence.

Mitigation

26. Sidrit Sinanaj has not provided anything in mitigation.

The Sanction

27. For case **11248992M** Sidrit Sinanaj relating to physical contact, the sanction range for this offence is as follows:
 - 27.1. Suspension of 112 days to 2 years with an entry point before considering mitigating and aggravating circumstances of 182 days
 - 27.2. A fine up to £150 with a mandatory minimum of £75
 - 27.3. Mandated FA Education
28. The entry point for this offence is 182 days, with the aggravating factors of at least two instances of attempted physical contact of a slap on the Match Official, requiring restraint and the need to be removed from the area of the Match Official, the Commission place the sanction at 364 days with a fine of £110.

29. After taking into consideration Sidrit Sinanaj's previous clean record as mitigation, the sanction will be:
- 29.1. To serve a suspension of 280 days from all football activity to include ground/venue ban, backdated to 31 May 2023;
 - 29.2. fined a sum of £90;
 - 29.3. Sidrit Sinanaj is to satisfactorily complete a mandatory face-to-face education programme before the suspension is served or Sidrit Sinanaj be suspended until such time, he successfully completes the mandatory education programme, the details of which will be provided to Sidrit Sinanaj, and;
 - 29.4. 7 Club disciplinary points awarded.
30. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
31. Signed...

Steve Francis (Commission Chair)

09 June 2023