

FA NATIONAL SERIOUS CASE PANEL
DISCIPLINARY COMMISSION
CHAIRMAN SITTING ALONE
on behalf of Amateur Football Alliance

CORRESPONDENCE HEARING

of

YONATHAN CASTRILLON

WINCHMORE HILL

[Case ID:11472685M]

and

WINCHMORE HILL

[Case ID:11435966M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 21st October 2023, Winchmore Hill (“the Club”) played a fixture against Southgate Olympic First (“Southgate”) – collectively the “Match”.
2. The Match Referee, Mr Michael Hawes reported the conduct of Mr Yonathan Castrillon (“YC”) a Club player and the Club.
3. Amateur Football Alliance (“Amateur FA”) investigated the reported incidents.

The Charge

4. On 13th November 2023, Amateur FA charged YC:
 - 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). It is alleged Yonathan Castrillon used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule 3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined by FA Regulations. This refers to the allegation that Mr Castrillon touched and/or pulled the Referee’s arm or similar (“the 1st Charge”) or
 - 4.2. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) (“the 2nd Charge”)
5. On 13th November 2023 Amateur FA charged the Club:
 - 5.1. with misconduct for a breach of FA Rule E20 – It is alleged that Winchmore Hill failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative contrary to FA Rule E20.1. This refers to the allegation that players from Winchmore Hill Fifth team surrounded the Referee after he disallowed a goal towards the end of the match and verbally abused him or similar (“the 3rd Charge”)
6. The relevant section of FA Rule E3 states:

“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.”

7. In respect of the 1st Charge, physical contact or attempted physical contact against Match Officials is defined, under *Offences Against Match Officials*, as:

“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”.

8. In respect of the Club and the 3rd Charge, the relevant section of FA Rule E20 states:

“E20 Each ...Club shall be responsible for ensuring that its directors, players, officials, employees, servants and representatives whilst attending any Match do not:

E20.1 behave in a way which is improper, offensive, violent, threatening, threatening, abusive, indecent, insulting or provocative;

E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability...”

9. Amateur FA included with the charge letter the evidence that it intended to rely on in these cases which are being heard as a consolidated matter pursuant to Reg 13 of FA Disciplinary Regulations which provides that “where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked...The Association...shall have the power to consolidate proceedings so that they are conducted together...”.
10. YC was required to respond to the 1st and 2nd charges by 20th November 2023. The Club was also required to respond to the 3rd Charge by 20th November 2023.

The Reply

11. YC responded to the 1st and 2nd charges, denying the same and he requested the case to be dealt with in his absence at a Correspondence Hearing.
12. On 20th November 2023, the Club responded to the 3rd Charge via the Whole Game System, admitting the same and they requested the case to be dealt with in their absence at a Correspondence Hearing.

The Commission

13. The Football Association (“The FA”) appointed me, Karen Hall, 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

14. I adjudicated these cases on 1st December 2023 as a Consolidated Correspondence Hearing (the “Hearing”).
15. I had received and read the bundle of documents prior to the Hearing.
16. 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.
17. The Referee, Mr Micael Hawes provided a Report dated 23rd October 2023 in which he states that he ended the Match about 30 seconds early after playing 5 added on minutes due to being surrounded by Club players because he disallowed an equalising goal. He dismissed 2 Club players for being verbally abusive and one for making physical contact with his arm.
18. In response to further questions posed of him by Amateur FA, Mr Hawes stated that the player who touched his arm did so to get his attention whilst abusing him about the decision. He was wearing the Club number 2 shirt. He goes on to say that around 6 Club players surrounded him to dispute to disallowed goal. He confirms that he does not recall any swearing at him but that the level and verbal aggression “more than compensated for that”. He also confirmed that the only physical contact on him had been from the Club number 2, which he describes as being pulled enough to make him break off from the other players and turn around to him.

19. Within the bundle is a handwritten team sheet which states YC as the Club number 2.
20. Mr Kevin Taylor, Southgate Assistant Manager, provided a Statement dated 23rd October 2023 in which he states that having scored a goal in stoppage time, the Club players surrounded the Referee but he took no action. The Match continued and the Club equalised towards the end of stoppage time but the goal was disallowed. At least 3 Club players surrounded the Referee to protest, including the Goalkeeper who ran the length of the field to get involved. He saw one player get in the Referee's face and another appeared to push the Referee. At this point the Referee said "that's it" and the Match was ended. Two other Referees who were in the vicinity came over to ensure the Referee's safety.
21. Mr Paul Potsos, Southgate 1st team Head Coach and Welfare Officer, provided a Statement dated 23rd October 2023 in which he states that deep into injury time his side scored which incensed the Club players. Less than a minute later the Club equalised but the goal was disallowed by the Referee. The Club goalkeeper ran from his goal to protest the decision and this was followed by 6-7 players who surrounded the Referee to continue the protest. The Referee showed 3 Club players a red card. He states that it was difficult to hear what was being said but the visible hand gestures made it clear that the Club players were upset.
22. Mr German Torres, a Club player, provided an undated Statement in which he states that he was playing in goal for the Match. Southgate scored after a "legit foul" on him. The Club then equalised and the goal was disallowed by the Referee. The Club captain went to argue with the Referee and he ran to ask why the foul committed by a Southgate player in the run up to their goal wasn't a foul but the Club player who committed a foul was penalised. He said that the decision was unfair and he found it racist. Mr Torres was shown a red card. He accepts that his behaviour was "not good" and he understands why he was shown the red card.
23. Mr Martin Brannigan, Club Chairman, provided an undated Statement in which he states that whilst he did not watch the Match, he has spoken to those who were there. He comments on the Referee's performance and decision making in the Match. He goes on to say that the red card issued to YC was not seen by any player and it is denied that any conduct he displayed could be considered violent.
24. YC provided an undated Statement in which he states that Southgate scored from a freekick awarded after they had fouled the Club Goalkeeper. The same situation occurred just 2 minutes later but the Referee disallowed the Club goal. The Club captain went to argue with the Referee for disallowing the goal and received a red card. The Referee said that he was ending the Match because of what had happened in it. He went up to ask him why the Match was being ended early as there were 3 minutes remaining. He states that he was not violent or aggressive in any way. He was surprised that the Match was being ended early and again asked why and held up his hand to indicate 3 minutes were left. He laughed and walked off and did not realise that he had been shown a red card until he was told 2 days later. He goes on to say that he was close to the Referee but does not think he touched him and if he did it was accidentally. He was not shouting or swearing but angry that the Match had ended early.
25. Mr Robert Gyles, Club President, provided a Statement dated 2nd November 2023 in which he states offers his opinion on the Referee's decision to disallow the goal scored by the Club in added on time. He states that this decision directly caused the events that followed. A group of Club players immediately surrounded the Referee and he (Mr Gyles) saw a red card being produced. The Club Goalkeeper ran to join in this protest around the Referee. He states that YC

had no knowledge of his red card and he (Mr Gyles) saw nothing that merited it for violent conduct.

26. In response to the 1st and 2nd charges, Mr Brannigan and Mr Gyles provide a letter in support of YC not guilty. They summarise the evidence by saying that they note the Referee states that he doesn't remember any players using any swear words, but that the level and verbal aggression made up for this. They conclude that the Referee did not feel threatened and cite his willingness to referee both teams again as evidence of this. They repeat that YC was unaware of the red card being shown to him. They believe that the violent conduct charge is misplaced.
27. That concluded relevant evidence in this case.

Standard of Proof

28. 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

29. In respect of the 1st and 2nd charge, YC denied these. The Club had admitted the 3rd Charge and credit would be given for the guilty plea.
30. Regulation 96 provides that in respect of the 1st Charge, physical contact or attempted physical contact against Match Officials is defined, under *Offences Against Match Officials*, as "*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*".
31. The force of any contact or the intent behind it goes to sanction rather than a breach of the Regulation. In this case the Referee prepared his Report 2 days after the Match, when events would have been fresh in his mind. His Report accurately reflects that the contact from YC was minimal and he subsequently clarifies that this was more to gain his attention, but it had the effect of him needing to turn to face YC. In his evidence YC repeats that any contact, if it was made, was accidental. He can't remember touching the Referee, but can not say that he didn't.
32. It is clear that emotions were high in a derby match where the Club had just had an equalising goal disallowed. It is accepted that players confronted the Referee and surrounded him. However, disagreeing with a decision made by an official does not entitle the Club players to surround him and make contact with him. I found it more likely that not that YC did make contact with the Referee to protest to him about the Match concluding early (in his opinion).
33. Therefore, in respect of the 1st Charge against YC, based on the evidence above, the charge of 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, is found PROVEN.
34. In respect of the Club and the 3rd Charge, liability was predetermined by the guilty plea and therefore based on that and the evidence above, in respect of the 1st Charge, of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion, the charge was PROVEN.

35. Previous Disciplinary Record

36. After finding the charges proven, I sought the participants offence history. In respect of YC, I note that there are no previous proven misconduct charges in the preceding 5 years. In respect of the Club, there are proven E20 charges in the preceding 5 years.

Mitigation

37. There is no mitigation within the bundle.

The Sanction

38. In respect of the charge, the relevant FA Disciplinary Regulations on sanction (Regulation 101.4) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 112 days and 2 years, the recommended entry point, prior to considering any mitigating or aggravating factors is 182 days together with a fine of up to £150.00, with a mandatory minimum fine of £75.00. There shall also be an order that the participant completes an education programme before the time based suspension is served.

39. Regulation 102 provides factors to be considered when determining sanction. In that regard I note that the Referee himself states that contact was slight and there was no use of foul language. YC states that any contact was accidental. I placed this offence in the low category. Sanction is mitigated by YC good disciplinary record.

40. After taking into consideration all circumstances in this case, Mr Yonathan Castrillon is:

40.1. to serve a suspension from all football and football activities for 112 (one hundred and twelve) days commencing from the date that his suspension namely 13th November 2023;

40.2. fined a sum of £75 (seventy five pounds);

40.3. to satisfactorily complete a face to face mandatory education programme before the time-based suspension is served, or Mr Castrillon be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him; and

40.4. 8 (eight) Club Disciplinary points to be added.

41. In respect of the Club and the 3rd Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E20 is a fine between £0 - £300.

42. After taking into consideration all circumstances in this case, the response of the Club players, towards the Referee mitigated by the previous disciplinary record and by the guilty plea, the Club is:

42.1. fined a sum of £50 (fifty pounds);

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

Signed...

Karen Hall F.C.Inst.L.Ex (Chairman)

1st December 2023