**KENT COUNTY FOOTBALL ASSOCIATION LTD.**

**VERSUS**

**ZACK THOMAS**

**CASE I.D. REFERENCE 9518732M**

**WRITTEN REASONS – DISCIPLINARY COMMISSION**

**24th OCTOBER, 2018**

1. **INTRODUCTION**

 **These are the written reasons for the Findings of a Disciplinary Commission held to consider an**

 **Appeal by Personal Hearing by ZACK THOMAS, a player registered with Drink Warehouse FC**

 **against a charge laid by the Kent County Football Association Ltd. (KCFA) in response to a**

 **written report made by Referee Alan Sweetingham that Mr Thomas had spat upon him during**

 **a fixture played on 16th September, 2018. A written report had also been received from Mike**

 **Skerratt, a Referee registered with the KCFA but attending the fixture as a spectator.**

1. **PARTIES**

 **The Disciplinary Panel members appointed to hear the Appeal were :**

 **Terry Lawrence (KCFA Disciplinary Panel Chairman) in the Chair**

 **Peter Martin (Independent Panel member)**

 **James Newman (Independent Panel member)**

 **Richard Judd (KCFA Football Services Manager) acted as Secretary to the Commission.**

 **Alan Sweetingham – Match Referee. Witness on behalf of KCFA.**

 **Mike Skerratt – Spectator. Witness on behalf of KCFA.**

 **Zack Thomas – Appellant - took his own case and introduced one witness, John Brackenborough.**

1. **MISCONDUCT CHARGE**

**A charge had been laid against ZACK THOMAS by KCFA on 19th September, 2018 of breach of FA Rule E3 (Assault on a Match Official – spitting at / on the Referee). It was noted that FA Handbook (page 179 – offences against Match Officials) states :**

**“Assault – acting in a manner which results in an injury to the Match Official. This includes spitting at the Match Official (whether it connects or not).”**

1. **SUPPORTING EVIDENCE**

**Written Report from Referee Alan Sweetingham dated 17th September, 2018 was forwarded to the Secretary of Drink Warehouse FC (John Brackenborough) on 19th September, 2018. Written report from spectator Mike Skerratt dated 20th September, 2018, was forwarded to the Secretary of Drink Warehouse FC (John Brackenborough) thereafter.**

1. **RESPONSE FROM APPELLANT**

**An undated “Letter of Response” was received from Zack Thomas plus notification of**

 **his plea of Option 4 – NOT GUILTY to the charge and a wish to attend a Disciplinary Hearing.**

1. **SUMMARY OF WRITTEN EVIDENCE**

**Members of the Commission considered the written Report from Referee Alan Sweetingham that stated that Zack Thomas had “walked closer towards me shouting foul and abusive language and when close enough spat all over the front of my shirt”**

**Members also considered the written Report from witness Mike Skerratt that stated “I clearly observed Zack look towards the Referee and make a spitting action towards the Referee.”**

**Members then considered the written submission of Zack Thomas that he had not deliberately spat upon the Referee but that it was possible that some saliva may have hit Mr Sweetingham whilst Mr Thomas was voicing abuse at him from a distance.**

1. **VERBAL EVIDENCE**

**\*\* Under questioning from Mr Thomas and Commission Members, Mr Sweetingham stated that Mr Thomas had spat at him from a distance of approximately three feet. The amount of saliva that had hit his shirt had been considerable.**

**\*\* Giving his evidence Mr Skerratt stated that he only saw Mr Thomas make a spitting action and that he did not see any saliva exhumed nor did he see any saliva hit the Referee’s shirt or see the Referee attempt to remove any. He estimated that Mr Thomas was approximately 25 feet away from the Referee when he observed the “spitting action”**

**\*\* Mr Thomas, in his submission, stated that he was not close enough to have spat at the Referee even had he wished to do so – which he had not. He admitted using unacceptable language but contested that he had deliberately spat. He further contested the Referees estimation that he was only three feet away stating that he did not get closer than the 25 feet submitted by the Witness.**

**\*\* Mr Thomas called upon one Witness – Mr Brackenborough - who stated that he had been engaged on retrieval of a football from behind one of the goals at the time of the alleged spitting incident but he had observed Mr Thomas’ position on the field of play and that Mr Thomas had not been close enough to the Referee to have spat upon him.**

1. **FINDINGS**

**Members fully considered the evidence – both written and verbal – put forward but were concerned at the disparity between the evidence of Mr Sweetingham and Mr Skerratt concerning the distance between Mr Thomas and the Referee at the time of the alleged spitting incident. Further, Mr Skerratt had not observed, at any stage , Mr Sweetingham having saliva on his shirt. The evidence submitted by Mr Brackenborough was inconclusive because he had not been focused on the alleged spitting incident.**

**The Chairman reminded Members that the standard of proof required was on the balance of probability and that same meant that Members would have to be satisfied that it was more likely than not that the alleged spitting incident did occur even if not proven.**

**The Commission members failed to find a unanimous decision but on a majority 2-1 vote the charge against Zack Thomas was found NOT PROVEN.**

1. **Mr Thomas was accordingly recalled before the Commission and was advised the verdict of the Commission.**

**Tuesday, 30th October, 2018.**

**On behalf of the Kent County Football Association Ltd.**

**Terry Lawrence – Commission Chairman.**