

National Serious Case Panel

Case ID:

11374948M

Disciplinary Commission

Correspondence Hearing - Chair Sitting Alone

Oxfordshire Football Association

County FA

v

Dylan Dunbar-Corkish

Participant

The Decision and Written Reasons of The Commission

Disclaimer:

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials in this matter.

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Introduction

1. On the 16th September 2023, there was a football match (the “match” or “game”) between *Witney Royals Reserves* (“Witney”) and *Yarnton A* (“Yarnton”). Dylan Dunbar-Corkish was playing for Witney. This makes him a “participant” for the purpose of this case.
2. The referee’s (unamended) report states: *“After the game had finished i was just walking off the field and the above named player shouted out you are fucking rubbish i walked over to him and asked him for his name he told me to fuck off i asked him again for his name he stated as the game had finished i could not book him after he made this comment he refused to give me his name he showted out if i dont fuck off he will come over to me and beat me up ... At this point i walked away from the above player for my own safty”*
3. This was investigated by the County FA and statements were obtained to establish what took place. On the 3rd October 2023 the County FA communicated to the participant that they had made a decision to charge on the evidence below.
4. The County FA are subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

The Commission

5. The County FA prepared the bundle for these matters and the National Serious Case Panel (“NSCP”) officially appointed me as the “commission” to adjudicate on this case alone as a Chair member.
6. For the purpose of fairness, I am independent to the parties referred to in this case and I did not have a conflict of interest to declare. My decision is based only on the evidence I have been sent and this is outlined below.

The Charge(s)

7. The County FA laid the following charges (detailed within The FA Handbook¹):

Charge 1

7.1. FA Rule E3 – Improper conduct against a match official – (including threatening and/or abusive language/behaviour).

The Reply

8. The participant responded by accepting this charge and I was instructed to conduct this case by way of correspondence papers only.

The Hearing and Evidence

9. Below is a list of documents and/or witnesses in the bundle, that I was provided to consider.

10. County FA's evidence in support of the charge(s):

10.1. Mark Gardner, referee.

11. Participant's evidence:

11.1. Robert Debanks, player for Witney;

11.2. Dylan Dunbar-Corkish, player for Witney;

11.3. Colin Morris, chairman for Witney;

11.4. Sam Taylor, manager for Witney;

11.5. Stuart George, player for Witney;

11.6. Witney club mitigation.

Standard of Proof

12. As directed by The FA, the appropriate standard of proof in such cases is that of the civil standard. This means that the commission must be satisfied on the balance of probabilities

¹ <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

that, as per the evidence presented before it, it was more likely than not that the events occurred as they have been charged.

The Decision

13. I was not required to decide on whether the case was proven as it was already accepted.

While the club puts forward a differing statement from Mr Dunbar-Corkish, they have responded by accepting the charge as particularised by the County FA. For the avoidance of doubt, to tell the referee to fuck off and threaten to go over and beat him up, is abusive and suggestive that the referee will be subject to harm. Therefore, this meets the element of this charge.

Disciplinary Record

14. After making my decision for the participant, I was then provided with a copy of their previous record for the last 5 years.

15. There are no other misconducts and one separate caution. This will be treated as a positive record.

Aggravating and Mitigating Factors

16. Aggravating factors as per the FA Handbook, sanction guidelines and other observations:

16.1. I did not consider there to be sufficient grounds for aggravating factors.

17. Mitigating factors as per the FA Handbook, sanction guidelines and other observations:

17.1. Previous offence history;

17.2. Remorse;

17.3. Educated from incident;

17.4. Guilty plea.

Sanction

18. The FA Handbook and County FA Disciplinary Sanction Guidelines set out the scope and range of sanctions that are available. The applicable season is 2023/24.

19. After taking everything into account, I considered that the starting point of 112 days was appropriate. However, with no aggravating factors and multiple mitigating factors being present, this affords a reduction of 14 days. The sanction that will therefore be imposed upon the participant is the following:

19.1. To serve an immediate suspension of 98 days from all football and footballing activity, from the date of notification for this decision until the participant's club complete their number of qualifying matches;

19.2. To complete an FA online education programme before the end of the above sanction, or within 28 days of the Disciplinary Commission's decision, whichever is the later. Otherwise, the participant will be suspended until such a date that the programme has been successfully completed. Programme details will be provided;

19.3. Fined the sum of £50;

19.4. 6 penalty points.

20. These decisions are subject to the right of appeal under the relevant FA Rules and Regulations.

Alban Brahimi, Chair

23rd October 2023