

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

*Sitting on behalf of the Oxfordshire Football Association in the case of*

CALLUM McMAHON

Discipline Commission:           Royston Schafer, Chair  
  Peter Fisher- Independent Member  
  John Martin- Independent Member

Secretary                               Shane Comb

Date:                                    12<sup>th</sup> March 2020

1. This is the decision and written reasons of the Discipline Commission considering the case of Callum McMahon (“CM”) of Black Swan Cowley F.C.

2. By necessity, this is a summary document, and does not purport to contain all evidence and submissions. For the avoidance of doubt the Commission carefully considered all the written evidence, before us.

3. Callum McMahon is a player of Black Swan Cowley F.C.

4. By charge letter dated 18<sup>th</sup> February 2020 CM was charged with

Charge 1: FA Rule E3 – Improper Conduct (including foul and abusive language)

Charge 2: FA Rule E3 (2) – Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

5. The Rule Provides.

*F.A. Rule 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.’*

*“(2) A breach of E3 (1) is an “Aggravated Breach” where it includes a reference whether express or implied, to and one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender reassignment, sexual orientation or disability.”*

6. During an Oxford City FA League game between Summertown Stars AFC-Development V Black Swan Cowley Firsts played on 11<sup>th</sup> January 2020 Liam Cartwright a Summertown player was adjudged to have committed a foul on an opponent. Whilst on the floor it is alleged that Callum McMahon of Black Swan Cowley called him a ‘faggot’. Such a comment is aggravated in that it included a reference to a protected characteristic, i.e. sexual orientation.

7. CM denied both charges brought under FA Rule E3 (1) and E3 (2) and requested a personal hearing that was to be held on Thursday 12<sup>th</sup> March at the Oxford FA commencing at 6.30pm. During that day and leading to the hearing CM had advised the Oxford FA that he was unable to attend the hearing and wished the case to be heard in his absence. The Secretary duly communicated this to the Commission and we agreed that would proceed on that basis.

Accordingly the Commission Secretary, Mr. Coomb, put a WebEx hearing in place.

8. Due to the fact that no witnesses were present at the hearing the commission reviewed the case using the written evidence of the following persons: -

Michael Bolton (Match Official)

David Gautrey, Alex Thompson, Leon Rouke, Ryan Davies, Liam Cartwright, Youcef El Barhdadi and Yared Smile (Summertown Stars)

Callum McMahon (Black Swan)

9. The Match Official reported that during the match there was a foul on a summertown player who remained on the floor and players were calling for a card to be issued. He noted that there were words exchanged with the Black Swan player allegedly saying to the Summertown player ”get up you faggot it wasn’t that bad”. There was another incident that the referee reported that doesn’t form the basis of any of these charges.

10. Alex Thomson refers to the tackle between Liam Cartwright and Black Swans number 4 following which the Black Swans number 4 called Liam Cartwright a faggot. The match official having warned the Black Swan player about his language resulted in the Black Swan player jogging away laughing.

11. Ryan Davies refers to the tackle on Liam Cartwright by the Black Swans number 4 where the Black Swans player had committed a foul and Liam Cartwright being in some pain. The Black Swans player called Liam a faggot where on the referee warned the Black Swan player where he walked off laughing with his teammates.

12. Liam Cartwright refers to the tackle and the subsequent free kick that his team was awarded for the challenge, having received an arm in the mouth. He recalls hearing a player say “what are you doing faggot”. There was a commotion and it ended with the referee warning the player. He was unable to say who had made the comment.

13. Youcef El Barhdadl was stood on the sideline and heard Liam Cartwright being called a faggot by the Black Swans number 4. At half time Youcef the referee and asked why he had not taken any action. The referee is alleged to have told him that it was not a racial comment and the discussion ensued regarding the fact that this was discriminatory.

14. Liam Rouke refers to the Black Swans number 4 and Liam Cartwright during a challenge and Liam being on the ground. He alleges that Liam was called a faggot by the Black Swans number 4 and was warned by the referee. The player (number 4) asked the referee “what language” and the referee said, “he used the word faggot”.

15. Jared Smile refers to a Black Swan player shouting, “I barely touched you, you fucking faggot” after he had gone in hard and late on Liam Cartwright. The referee gave the player a warning and situation became heated because of the tackle and also because of the comment that was made.

16. In response to the charge Callum McMahon pleaded not guilty to both charges and was reliant on the following points: -  
The term “faggot” has various definitions, which he listed as defined by the oxford dictionary. He stated that he did not use the word faggot in any way to offend anyone’s sexual orientation so is therefore not guilty of the charge.

He further stated that the referee took no action at the time and only mentioned the incident having being asked about it by the Oxfordshire FA. He also made reference to the differences in what he was alleged to have said by the players from Summertown Stars AFC. He believed that a presumption of guilt had been made and on this basis the charge should be dismissed.

17. In considering whether these charges were proved, we referred to the specifics of the charge. The commission concluded that on the balance of probabilities that the charge against Callum McMahon was proved.

18. We noted the player's previous record and when considering the level of sanction we took into account the seriousness of the facts, the aggravation and mitigating circumstances.

19. We were guided by the sanctioning guidelines for a breach of FA rule E3 and E3(2) aggravated by sexual orientation. The recommended punishment for an offence of this nature carries a 6 match suspension plus a fine of £75.

20. We therefore considered the following suspension to be fair and proportionate

A 6 match suspension (ground ban)

B £75 fine

C 8 penalty points

D Callum McMahon is also required to undertake an online FA Education Course within 4 month

21. The decision is subject to the right of appeal under the relevant FA regulations.

Royston Schafer (Chairperson)  
John Martin  
Peter Fisher  
15/03/2020