

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

*on behalf of Surrey Football Association*

CORRESPONDENCE HEARING

*of*

**RUBEN BURTON**

BROCKHAM BADGERS

[Case ID:11186318M]

THE DECISION AND REASONS OF THE COMMISSION

## **Introduction**

1. On 4<sup>th</sup> March 2023, Brockham Badgers (“the Club”) played a fixture against Cranleigh U15 Kestrels (“Cranleigh”) – collectively the “Match”.
2. The Match Referee, Mr Harry Hearn, reported the conduct of Mr Ruben Burton (“RB”), of the Club.
3. Surrey Football Association (“Surrey FA”) investigated the reported incident.

## **The Charge**

4. On 22<sup>nd</sup> March 2023, Surrey FA charged RB:
  - 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 that Ruben Barton (Coach) of Brockham Badgers U15’s 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 following a red card for a Brockham Badgers player, Ruben Burton entered the field of play calling him a “fucking cheat”. When the Referee went to issue a non-playing participant red card to Ruben Barton he proceeded to “smack the Referee’s card(s)/book out of his hands and attempted to rip them up leaving him with damaged equipment” or similar.
5. 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.”*
6. 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”.*
7. Surrey FA included with the charge letter the evidence that it intended to rely on in this case.
8. RB was required to respond to his charge by 29<sup>th</sup> March 2023.

## **The Reply**

9. On 23<sup>rd</sup> March 2023 RB responded to the charge online via the Whole Game System by admitting the same and he requested that the matter be considered in his absence at a personal hearing.

## **The Commission**

10. 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 this case.

### **The Hearing & Evidence**

11. I adjudicated this case on 29<sup>th</sup> March 2023 as a Correspondence Hearing (the “Hearing”).
12. I had received and read the bundle of documents prior to the Hearing.
13. 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 this case.
14. The Match Referee, Mr Harry Hearn, submitted a Report dated 4<sup>th</sup> March 2023 in which he states that following a red card for a Brockham Badgers player, RB entered the field of play calling him a “fucking cheat”. When he went to issue a red card to RB he proceeded to smack the his cards and book out of his hands and attempted to rip them up leaving him with damaged equipment. In an email Statement dated 6<sup>th</sup> March 2023 he states that RB was then led away by his assistant and parents.
15. Mr Stuart Halford, Club Assistant Coach, provided a Statement dated 9<sup>th</sup> March 2023 in which he states that following the dismissal of a Club player RB reacted and went up to the Referee. Mr Halford didn’t see what happened. He goes on to say that RB has apologised to him and the Club parents.
16. Within the bundle are a number of Statements that relate to the Referee’s decision to dismiss a Club player immediately prior to the incident which gave rise to the charge. For the avoidance of doubt, these have been read and the appropriate evidential weight placed upon them.
17. In response to the charge, RB provided a Statement dated 9<sup>th</sup> March 2023 in which he states that he expressed his frustration to the Referee following the dismissal of one of his players. He accepts that he knocked the cards out of the Referee’s hands but denies attempting to rip them up. He expresses his opinion of the Referee.
18. That concluded relevant evidence in this case.

### **Standard of Proof**

19. 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**

20. RB accepted the charge and liability is therefore predetermined via the guilty plea. Credit will be given for this. In response to the charge, RB accepted responsibility for his actions and Mr Halford states that he has apologised to the Club parents.
21. Regulation 96.2 states that *“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)”*.
22. I found that the undisputed facts in this matter are that RB knocked the cards out of the Referee’s hands. Applying the definition in Regulation 96.2, it is clear that this was a confrontational action.

23. Therefore, I find on the evidence that this was Physical Contact or Attempted Physical Contact on a Match Official, contrary to FA Rule E3.1, and I found the charge PROVEN.

#### **Previous Disciplinary Record**

24. After finding the charge proven, I sought RB offence history. I note that there are no other misconduct charges in the previous five seasons.

#### **Mitigation**

25. There is no mitigation within the bundle from RB.

#### **The Sanction**

26. 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.

27. Regulation 102 provides factors to be considered when determining sanction. In that regard I note that this was an isolated incident but that RB did knock the cards from the Referee's hands and he called him a "fucking cheat". I do note the participant's previous good disciplinary record together with the prompt guilty plea. I did not consider these factors merited a deviation from the minimum sanction.

28. After taking into consideration all circumstances in this case, Mr Ruben Burton is:

28.1. to serve an immediate suspension from all football and football activities for 182 (One hundred and eighty two) days commencing from the date of his suspension namely 22<sup>nd</sup> March 2023;

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

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

29. 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)

29<sup>th</sup> March 2023