

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

CONSOLIDATED NON-PERSONAL HEARING

of

KERRY SWEENEY

and

ROGER EADES

and

TONY FOSTER

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. The Football Association ('The FA') convened a Disciplinary Commission ('the Commission'), to adjudicate upon disciplinary charges levied against Kerry Sweeney, Roger Eades and Tony Foster arising from a match between Curley Park Rangers and Mytchett Athletic U13 Ospreys which took place on 25 November 2023 ('the fixture').
2. The Disciplinary Commission was constituted of a single member, Mr Resh Sohota, an Independent FA appointed Chair.

The Charges

Kerry Sweeney

3. By way of letter dated 8 February 2024, Kerry Sweeney was charged with a breach of FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour), (**Charge 1**).
4. It is alleged, in the detail of the charge that Kerry Sweeney made comments to a Club Assistant Referee including "*I'm going to fucking kill you*" and "*I'm 6 foot and happily have you*" or similar.

5. Kerry Sweeney was further charged with a breach of FA Rule E3 - Improper Conduct (including abusive language/behaviour). To that end, it is alleged within the detail of the charge that '*Kerry Sweeney has made comments to a Mytchett Athletic player such as "Teddy bear don't cry" or similar (Charge 2).*

Roger Eades

6. By way of letter dated 8 February 2024 Roger Eades was charged with breach of FA Rule E3 - Improper Conduct (including abusive language/behaviour). It is alleged within the detail of the charge that '*during the fixture Roger Eades whilst acting as club assistant referee has called a players mum "a dumb whore"*'.

Tony Foster

7. Also, by letter of the same date (8 February 2024), Tony Foster was charged with breach of FA Rule E3 - Improper Conduct against a Match Official (including abusive language/behaviour). It is alleged within the detail of the charge that '*during the fixture Tony Foster used abusive and/or insulting words towards the Match Official by saying "get a fucking grip" to the referee after entering the field of play or similar*'.

The Responses

8. All three of the Participants were given until 22 February 2024 to respond to the respective charges raised against them. They all responded on 19 February 2024, accepting the respective charges laid against them and asking for the matters to be dealt with via correspondence. Accordingly, all three cases have been dealt with by me, on a consolidated basis as Chair alone, on a Non-Personal Hearing basis.

Procedural Matters

9. As the offences were alleged to have been committed during the same match and there is related or common evidence, the proceedings against each of the parties were consolidated (pursuant to Regulation 13 FA Handbook 2023/24) and were therefore considered at a joint hearing. However, given the nature of the respective charges against the three Participants, these Written Reasons pertain only to the case against Kerry Sweeney.
10. Given the prescribed timeframes outlined at Regulation 117, the County FA applied to the FA for dispensation in all cases. Dispensation was granted by the FA, in accordance with Regulation 117, and confirmation of the same was provided to the Commission. The written dispensation makes it clear that the cases must be heard by 22 March 2024.

Preliminary Matter

Kerry Sweeney - Pleas

11. While the Commission noted that Kerry Sweeney had accepted the two charges against him, the plea seemed entirely incongruent with his statement in which he states, inter alia, that he was ‘*in no way abusive*’. Given this stark contradiction, the Commission issued directions to the effect that Kerry Sweeney must clarify whether he wishes to accept or deny the two charges against him, by 4pm 1 March 2024.

12. The Commission was provided with a response on 1 March 2024. The response was said to have been provided by the County FA. It states as follows:

‘I have spoken to the club and they wish the hearing to be dealt with via correspondence.

Yes the participant denies the language in the statement but the club have informed him that this will be dealt with and the club have also suspended Kerry at the moment.

The club secretary also stated that they understand that the participant has denied using any language in the statement but its more than likely something has been said by Kerry Sweeney’.

13. There is an obvious problem with that response. It appears that the County FA have spoken to the club (although it is unclear as to whom at the club), and it is *they* who have responded, not Kerry Sweeney, who is the Participant Charged. Indeed, it is unclear from the above response whether there had been any communication from Mr Sweeney at all. Therefore, the Commission issued further directions making it unequivocally clear that the directions must be communicated to Mr Sweeney as it is he who is charged, not the club. Further directions were issued to the effect that the County FA should ensure (as far as they are possibly able) that the further directions (along with the initial directions) are communicated to Kerry Sweeney, and that the response to the directions is from Mr Sweeney. The deadline for a response from Mr Sweeney was extended to 4pm 6 March 2024.

14. On 7 March 2024, the Commission was provided with an email, sent by the Wendy Kilgannon to the County FA. The email is also dated 7 March 2024 and states:

‘Apologies for the delay in responding - I’ve been away for work this week and have only just got home.

We have been in contact with Kerry to discuss the charge, and he has confirmed that he stands by his original statement made at the time, and therefore wishes the club to plead ‘not guilty’ on his behalf.

As a club, we generally take a pragmatic approach to these matters, and are fully

supportive of the FA's stance on ill discipline. To that end, normal policy is to advise coach's to plead guilty, in particular where referees (as the only independent witness) have cited their behaviour in the referee report. In this case, my initial interpretation of the referee's report referenced a coach entering the field of play and named Kerry. However, having revisited it, I believe the referee is actually saying it was the opposition coach who entered the field of play, and Kerry who reported the incident with the linesman, not that he himself engaged with the referee or for that matter the linesman.

Please let me know if you need anything further from us at this stage'.

15. The contents of the email make it clear that the club has been in contact with Mr Sweeney, and that he wishes to deny the charge against him. The Commission inferred, (given that Mr Sweeney was said to stand by his original statement) that he denies both charges against him. That position is consistent with the contents of his statement. Therefore, the Commission dealt with both cases on the basis that Mr Sweeney denied the charges against him.

Evidence

16. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been transcribed as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.
17. Following the fixture, Luca Boeber, the Match Referee, submitted an Extraordinary Incident Report Form. The document is dated 27 November 2023 and states as follows:

'During the end of the match, a mytchett player who was Not being controlled by his manager, pushed a Curley Park player and the Curley park player attempted to move away, but the Mytchett player continued to be aggressive towards the opposition with continuous pushes. During this, the Mytchett manager ran onto the pitch and broke them up before screaming and shouting in my face performing verbal assault. The manager went on to say how I should have reacted quicker and broke them up even though I was blowing my whistle continuously and protecting myself from getting in the fight. The manager spoke to me in an aggressive tone and very loud telling me how to do my job even though it was his own players who he could not control. I was also notified by the Curley Park manager that the linesman that was allocated during the second half for Mytchett, Verbally assaulted, a Curley Park player he was on the bench. He told the 12-year-old child that his mum was a whore which is unacceptable and out of order. As I was leaving the midget manager came up to me once again to apologise, but continued to say how I should've got involved and broke them up and he stood by his actions and decisions'.

18. As part of the investigation, the County FA contacted Mr Boeber via email of 7 December 2023. The email states, inter alia:

'I am sorry to have read the report from the incidents in the game from the 25th. I hope with some support from Craig Hicks our county referee development officer and myself we can get you back out refereeing again.'

In the report you have stated that the Mytchett Manager ran on to the pitch and broke up the boys when they were fighting and verbally assaulted you. Can I ask what has he said to you. Please use any foul and abusive comments that he has used towards you. The comment from the linesman to the player about there mum who has reported this to yourself'.

19. Luca Boeber responded on 14 December 2023 stating:

'Hi Richard, the coach just screamed and shouted in my face, telling me "ref you have to be fucking quicker, what are you doing" and the coach who reported the linesman's comment was the Curley park nagar named Kerry'.

20. The County FA also relied upon a witness statement authored by Tony Foster, the Mytchett Athletic Assistant Coach. The statement is dated 28 November 2023, and states, inter alia:

'....Teddy (who is my son) was in floods of tears explaining that he was being verbally tormented by the opposition from the beginning of the game and also that the opposition's coaches were laughing about his name being 'Teddy' from the sidelines and saying between themselves 'aw Teddy bear' and basically Micky taking him.'

This was extremely upsetting to Teddy given he would normally look to any adults and coaches whether on the opposite or not, to protect him and guide their players, not join in the torment!....

I could not verify these comments at the time nor did I hear this on the side lines when the coach was near but a few of the players verified Teddy's claims..'

21. The County FA also relied upon a statement authored by Roger Eades, a Mytchett Athletic parent and linesman on the day of the fixture. The statement is dated 27 November 2023 and states, inter alia:

'I was running the line for the second half on Saturday 25th November. During the second half one of the curly park coaches (a tall gentleman with grey hair) started to make derogatory comments to his players about the Mytchett opposition. They included:

You've got him in your pocket because he's so large. "Look he can't run"

"He doesn't know what to do he's never seen someone as good as

"He can't even run look at him" "Poor Teddy Bear oh well" (our coach's son is called Teddy) "Get Teddy, get him"

An incident at the other end of the pitch involving Teddy and one of the Curly Park players then erupted. At this point there was a lot of confusion on the sideline and two of the Curly Park subs started to laugh at the situation. As the two subs ran past me I made the comment that "wow you guys are really rough one of the boys told me to shut up and put his finger to his lips (he had been goalkeeper for first half and subbed for the second half).

My reply to being told to shut up was "and your mum" (which regret saying).

The incident at the other end of the pitch was still continuing and coaches from both teams were going towards the players.

As the two boys were running past one of their coaches they stopped to tell him what had just happened (I'm assuming).

Next the tall coach with grey hair came over to them and had a conversation with the two boys and coaches (a smaller man who was wearing a bobble hat) The Coach with the bobble hat was staring towards me as they spoke. The tall coach with grey hair then came towards me and said "What's going on with you!"

"Why are you talking to a 12 year old like that!"

"I'm going to fuckin kill you!"

"Im' 6foot tall and I'll happily have you!"

"You're just a fuckin albino and yes you should walk away!"

"I'm going to fuckin have vou!"

The Mychett keeper (my son) started to shout at the coach "stop yelling at my dad" stop being horrible to my dad" "stop swearing at him"

At this point I had already turned away and started to walk back down the line as I felt very intimidated and wanted to walk away from the situation that had developed. As I walked away I said that I was sorry and he replied "you fuckin will be!"

Our coach Gordon then came over and told me that I need to go to the club house and away from the pitch and he would run the line. At this point I walked round the pitch and back towards where our parents were watching the game.

The match ended.

As my family and I walked out of the club house and down the path towards the houses (to get to our car) One of the parents tapped me on the back and asked why did I call his mum a whore point at and identifying his son who stood a metre away.

I replied that there was no way on earth I would say that.

He replied saying 3 people heard you say it.

Again answered that I did not say that at all. I then told them what I had said which was "and your mum" The parents son who had been one of the two players earlier not the one

in the purple goalkeeper's kit) said "no you didn't say that "and the parent asked him what did this man say? "I dunno but it was something about mum, but I don't know"

The other parent who was much taller and had his sunglasses on his head whilst carrying a Tupperware box full of cut oranges then said "we are reporting you for calling his mum a whore" Again I repeated myself and said I did not say that.

The sons parent then said that I'd not said sorry to him my reply was that I did. But I apologized again to the boy but his father kept saying I hadn't apologized. My wife then said to the father that I had apologized and there was no way I would have used that word. He said to my wife "and who are you!" They said that they would be raising it and my wife added that we too would be raising a complaint about their Coaches behaviour and my wife and I proceeded to take our family away from the intimidating situation'.

22. Tony Foster also submitted a further statement dated 28 November 2023, but it is unnecessary to rehearse the contents of that statement in this document. It does not go to the issue in this case, but, for completeness, the Commission did read and consider it.
23. The County FA also relied upon a statement authored by Gordon Morrison, the Mychett Athletic Coach. The statement is dated 27 November 2023 and states, inter alia:

'During the closing stages of the game there was a bit of a scramble in the opposition penalty area where MAFC were trying to score, then when a MAFC player Teddy Foster had the ball there a bit of pushing and shoving, which most times just dies down however saw this was a little more heated so walked down the touch line telling Teddy to just walk away. At this point both Tony Foster MAFC coach followed by the opposition manager ran across the pitch to pull players apart and unfortunately Tony did raise his voice with the referee, as I was getting Teddy off the pitch I didn't hear what was being said. I advised both Tony and Teddy remove themselves from the situation and leave the area away from the pitch and the game. I asked the ref to bring on a sub for Teddy as no action taken in form a card or sending off, and told the game is over as not being treated like that. I explained the player and coach had been removed from the pitch and we continued.

As I was walking back to the coach's area the opposition manager approached me moments later to be advised our linesman had made a substitute player cry by saying something detrimental about his mother, I cannot recall exactly the claim but along the lines like your mother fat whore?

I asked the lines man what had he said to the player at that moment, to which he replied he was very sorry and shouldn't have said anything. Based on this response I then asked him to leave the pitch side as didn't advise what he said and was apologising to me, so leant towards the fact maybe he did say something detrimental.

At the end of the game once the players handshakes etc had finished and had thanked our players, I spoke with the opposition players as team apologising for the incidents that had happened. As MAFC do not condone these actions and I certainly do not either.

I very much believe when it comes to he said, no he said...we need to shake hands and move on. However as already mentioned the linesman never said what he actually said to the player at the time to me, he just apologised which would lead you to believe he knew what he done and was wrong, nor was I aware at the level of taunting our players were being subject too and abuse the linesman was receiving from the opposition coaching team. - All noted below in statements. It also seems that comments made by a player and the taunting Teddy received and told his father are all the same remarks as made in the linesman report. These have all been separate conversations and contents not divulged.

.....I believe as a referee also as a coach I dealt with the incident promptly and quickly to ensure the safety of the children and Referee at the time of the incident'.

24. The County FA also rely upon a witness statement authored by Morgan Melleny, a Mytchett Athletic spectator. The statement is dated 27 November 2023, and states, inter alia:

'It was in the second half of the match and I was playing right back.

One of the opposition coaches, who was wearing Curley park kit and was tall with light/grey hair loudly shouted out the linesman, who is our goalkeepers Dad. I heard the opposition coach shout "I'll knock you out for fun".

I didn't hear a reply from our linesman. I felt surprised and shocked that the opposition coach would say that'.

25. The County FA also rely upon a witness statement authored by Teddy Foster, a Mytchett Athletic player. The statement is dated 18 December 2023, and states, inter alia:

As the match started we were all playing and the winger came down my side and crossed the ball in the a. Even though I didn't have the ball a player pushed me over full on with both hands & this carried on & off through out the match.

I was being tackled by dirty tackle & the boys were calling me a pussy etc, I think my coaches could see I was starting to get stressed & upset / annoyed so I got subbed off.

One of coaches asked me if I still wanted to play as they could see I was holding back tears also they had seen me being shoved around.

When there was about 8 minutes left I said I was ok to get subbed back on as I wanted to help my team out, this was more important.

It was a goal kick and the keeper did a short ball, as I won the ball one of boys barged me over and called me a pussy, I turn around and the player pushed me hard and I did push him back.

Then the keeper ran out of his box and shoved me over, the ref was standing there doing absolutely nothing & I felt so overwhelmed with anger & upset about the situation I started crying.

My dad (one of coaches) had to walk me off the pitch and helped to calm me down / check I was ok, I was shocked the ref didn't blow his whistle or try and stop things or do anything.

Neither did other coaches.

Earlier on in the match while the boys were being rough to me I heard one or 2 of their coaches laughing & saying Teddy Bear don't cry.

I didn't tell any one at the time as I thought I should accept this, if they are adults then they must be teaching the players this is how their team plays, get on with it but it did make me upset & angry to be honest.....'.

26. The County FA also rely upon a witness statement authored by Neil Galloway a Curley Park Wolves Club Official. The statement is dated 18 December 2023, and states, inter alia:

'The game was mostly played in a friendly manner. Towards the end of the game, a Mytchett player named Teddy who was the assistant coaches son, became aggressive with a number of our players. His Dad, the assistant coach, was shouting at him to push in to players, which was part of the problem. Teddy pushed in to our player Rivan a couple of times in the 2nd half. Then towards the end of the game, our player Jamie Scott tackled Teddy, using his shoulder for strength. This was not a foul, and was not given as a foul by the referee. Teddy turned around and pushed Jamie Scott very aggressively. A couple of our players ran in to break this up and stand up for Jamie Scott. Teddy then started screaming at our players, and went very red in the face, I could hear what he was saying. Teddys Dad went over to him and took him off the pitch to tell him to calm down. Teddys Dad then shouted at the referee, telling him he should've stepped in between the players – the referee correctly pointed out that that he is not supposed to do this, instead is supposed to step to the side whilst the situation calms down. Teddys Dad was quite aggressive towards the referee, who I believe was 14 or 15 years old. Myself and my fellow coach Kerry Sweeney went on to the pitch to tell Teddys Dad to get away from the referee, advising him to control his son and to stop talking to the ref. Whilst we were over there, the linesman, who was a father of one of the Mytchett players I believe (he was linesman on the coaches and subs side of the pitch) then went over and subs side of the shouted abuse at one of our substitutes, completely un-provoked. Our sub was called Isaac Camaanon. The linesman said to him 'your mum is a dumb whore'. Isaac was in tears and extremely upset, for the rest of the match and after the match. When Isaac told myself and Kerry about this, we told the linesman he should not be talking to the players and that that there is no excuse for that that kind of abuse. He apologised and seemed very sheepish. After the match, the Mytchett head coach came over and apologised to us, our players and the parents for what had had happened. He acknowledged what their linesman had said, and said he would happily co-operate in any investigation. I

would say that the referee dealt with the situation well would say that the referee dealt with and did everything he should've done. I would also say the head coach of Mytchett dealt with well and really helped calm everything down'

Kerry Sweeney's Case

27. Mr Sweeney's version of events was provided by way of an email dated 31 January 2023 in which he states:

'Sorry for the delayed reply, I was away on holiday and catching up with work stuff. away on holiday and catching up with work stuff.

I can only assume it is myself who is being mentioned as I am the only tall coach. I was disappointed to read that I was accused of being verbally abusive. I was in no way abusive, none of us coaches gave any abuse. After the incident on the pitch I was returning to side line where Isaac, the player that was verbally abused on the day was extremely distressed.

I asked him what had happened and he said that the linesman had called his Mum a "dumb whore" myself and Neil told the linesman that he was out of order and that that there is no excuse for that kind of behaviour. He seemed apologetic and quite embarrassed with himself. We told their manager who also had a chat with linesman and was very upset with him, he sent the linesman away from the pitch.

I didn't speak to the linesman again and haven't seen him since. At no point during this ordeal was any CPR coach verbally abusive. This was also not mentioned at all by their manager while speaking to Glynis'.

28. Within the bundle there are also several emails, both inter-club and between the County FA and the two clubs. The Commission read and considered all aforesaid correspondence.

Determination

29. The Commission reminded itself that the burden of proving a charge falls upon the County FA. It is not for the Participant Charged to prove that the action did not occur as alleged, but it is for the County FA to prove (on balance) that the action did occur as alleged.
30. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be

satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Charge 1: Alleged breach of Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

Regulation 96

31. Regulation 96 sets out offences against a match official. For offences which relate to *threatening behaviour* the relevant test can be found at Regulation 96.1, which states:

‘Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.’

32. As aforementioned, the test to be applied in this case is whether Mr Sweeney used *words or actions that cause(d) the Match Official to believe that they were being threatened*. The words alleged to have been used in the detail of the charge are that Mr Sweeney said to Roger Eades, “*I’m going to fucking kill you*” and “*I’m 6 foot and happily have you*”
33. The first issue is whether Mr Eades is a ‘Match Official’. The Commission unhesitatingly found that Mr Eades was acting in the capacity of a Match Official on the day, given that he refers to ‘*running the line*’ in his statement and is variously described as the ‘*linesman*’, by several witnesses including the referee and by Mr Sweeney.
34. Secondly, the Commission was satisfied that if the County FA proved to the requisite standard that Mr Sweeney had made the comments in the circumstances, as alleged, they would constitute threatening behaviour. The central issue, therefore, was whether the County FA had proved, on balance, that Mr Sweeney made the comments, as alleged.
35. After careful consideration and an analysis of the evidence in this case, the Commission was **not** satisfied that Mr Sweeney had made the comments as alleged.
36. On assessing the evidence in relation to whether the comments were made by Mr Sweeney (or not), the Commission noted the following:
- i) Mr Eades evidence is that one coach was talking to two boys and the other, ‘*the tall coach with the gray hair*’ came towards him and made the comments as alleged in the detail of the charge. Mr Eades does not describe where he was

stood in relation to the person who made the comment, how loudly the comment was said or whether he replied. Mr Eades' evidence is lacking in important detail.

- ii) Mr Eades states that he had '*already turned away and started to walk back*'. Mr Eades doesn't say whether he heard the coach make the comments (with his back turned or otherwise), or whether he was facing the coach and could see him when he made the comments.
- iii) Mr Eades states that he was walking away and '*coach Gordon then came over*'. Mr Eades does not say whether or not he reported the comments to the coach (or anybody else) at the time of the event. Gordon Morrison (the coach) does refer to having a conversation with Mr Eades, but he says that it was in relation to Mr Eades allegedly abusing a youth player. Mr Morrison does not say that he heard Mr Eades being abused or was told that Mr Eades was threatened and/or verbally abused.
- iv) The Commission was mindful of the chain of events in this case. It is accepted by Mr Eades that he made an inappropriate comment to a child who was playing for the opposition team. He alleges that Mr Sweeney approached him and threatened him following, what he assumes to be, Mr Sweeney being told about the comment which he had made.
- v) Mr Eades refers to his son being present and making a comment in reply to Curley Park Coach. There is no evidence from Mr Eades son to corroborate his version of events.
- vi) The only other reference in the evidence to a comment being made by a Curley Park coach emanates from Mr Melleney. In his statement, Mr Melleney states that he was a Mytchett Athletic spectator, but his statement begins '*It was in the second half of the match and I was playing right back*'. He goes on to say '*One of the opposition coaches, who was wearing Curley park kit and was tall with light/grey hair loudly shouted out the linesman, who is our goalkeepers Dad. I heard the opposition coach shout "ll knock you out for fun"*'. Mr Melleney's statement is also lacking in vital detail such as; where he was in relation to the person who allegedly made the comment and how loudly the comment was made. Furthermore, the comment which Mr Melleney reports that he heard is different to the comments reported by Mr Eades.

37. Mr Sweeney's evidence is that he was '*in no way, abusive*'. He says that he and Neil approached the linesman as they had been told that the linesman had verbally abused a player. Mr Sweeney says that *he and Neil* told the linesman that '*he was out of order and*

that there is no excuse for that kind of behaviour'. Mr Sweeney goes on to say that the linesman was *'apologetic and quite embarrassed with himself*'. Neil Galloway (the other Curley Park Coach) corroborates Mr Sweeney's account. He says that *'we told the linesman...'*, inferring that both he and Mr Sweeney were present. Mr Galloway does not refer to Mr Sweeney being abusive and/or threatening. Mr Galloway's account was provided several weeks prior to the charge being raised against Mr Sweeney.

38. The County FA bring this case and it is they who shoulder the burden of proof. It is they who must prove, on the balance of probabilities that the Participant Charged made the comment as alleged, and that the comment satisfies the charges laid. Mr Sweeney need not prove anything.
39. Given all the above, the Commission could not say, given the deficiencies in the County FA evidence, that the evidence in support of the charge was sufficiently compelling to allow the Commission to safely base a judgment upon it. Therefore, the Commission **was not satisfied**, on balance, that the County FA had demonstrated that Mr Sweeney had made the comment as alleged.

Charge 2: FA Rule E3 - Improper Conduct (including abusive language/behaviour).

FA Rule E3.1

FA Rule E3.1 states as follows:

'A Participant shall at all times act in the best interests 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'.

40. The County FA allege that Mr Sweeney made the comment *"Teddy bear don't cry"*, or similar, to a Mychett player.
41. The evidence in relation to the comment emanates from witnesses; Teddy Foster, Tony Foster and Roger Eades. Teddy Foster is a Mychett Athletic player and Tony Foster is the Assistant Coach and Teddy's father. Roger Eades is a Mychett Athletic parent, he was also a linesman on the day.
42. Teddy's evidence in primary evidence. He reports *'earlier in the match while the boys were being rough to me I heard one or 2 of their coaches laughing 'and saying Teddy Bear don't cry'*. When assessing Teddy's evidence, the Commission noted the following:

- i) It lacks specificity. Teddy is unable to say whether it was one person or two who made the comment(s).
 - ii) Furthermore, there is no identity evidence save for Teddy refers to the person(s) as 'coaches. Teddy does not describe what the coach looked like or how he knew the person(s) to be a coach.
 - iii) It lacks detail. There is no evidence in relation to how far Teddy was away from the person(s) who made the comment. There is no evidence in relation to how loudly the comment was made. Teddy does not say whether the comment was a standalone comment or formed part of an exchange.
 - iv) Teddy states that the comment was made '*earlier in the match while the boys were being rough with me*'. Earlier in his statement Teddy reports two occasions where he was pushed by opposition players, and one occasion when he pushed one of the players back. Teddy doesn't say during which it was that he heard the comment. What is clear is that he was in a heightened state of emotion, indeed he says that he felt '*overwhelmed*' and '*upset*'.
 - v) Teddy says that he '*didn't tell any one at the time*'. Teddy does not refer to reporting of the comments, either during or after the match.
43. Mr Foster states that Teddy explained that '*...the opposition coaches were laughing about his name being 'Teddy' and saying between themselves 'aw Teddy bear*'.
44. According to Mr Foster's account, his son, Teddy, told him what he had heard. Therefore, Mr Foster's account of the comment is hearsay, (by which I mean it is a representation made by Mr Foster which he did not witness himself) which affects the weight it carries.
45. Mr Foster confirms that he did not hear the comments, '*but a few of the player's verified Teddy's claims*'. Mr Foster does not say how he knows this to be true. He does not say whether he spoke to other players regarding the comment, who they were and what (if anything) they say that they heard.
46. The comment which Mr Foster reports being told (by Teddy) is different from that which Teddy reports that he heard himself. Furthermore, Mr Foster reports that Teddy told him '*the opposition coaches were laughing*'. Again, that is different to Teddy's account, in which he says that he '*heard one or two of their coaches laughing and saying 'Teddy Bear don't cry*'.
47. Mr Eades, states that '*one of the curly park coaches (a tall gentleman with grey hair) started to make derogatory comments to his players about the Mychett opposition. They included, 'He doesn't know what to do he's never seen someone as good as', 'He can't even run look at him', 'poor Teddy Bear oh well*'. Mr Eades evidence is lacking in detail. He doesn't say whether he heard the comments himself, how far away he was when he heard the comments, whether the comments were made at the same time/towards the

same player or whether they occurred at different times. Furthermore, the comment '*Poor Teddy Bear oh well*', is different to '*Teddy Bear don't cry*' as reported by Teddy, and also different to '*aw Teddy Bear*' as reported by Teddy's father.

48. Mr Sweeney blankly denies being verbally abusive and denies the charge.
49. It is prudent to note, that the Commission did not have the benefit of hearing live evidence in in this matter. There was not a personal hearing therefore the Commission was unable to hear any oral evidence and had to deal with the case solely on the basis of the written evidence within the bundle.
50. Given the lack of specificity, issues in relation to identity and difference in account of what was said and whether it was reported, the Commission was not satisfied, on balance, that the County FA had demonstrated that Mr Sweeney had made the comment as alleged.
51. On that basis, the Commission concludes that the County FA has failed to discharge the burden of proving the charge against Mr Sweeney, thus **Charge 2 is found not proven**.

Outcome

52. For the aforementioned reasons, both Charge 1 and Charge 2 are found **not proven** by determination and are hereby dismissed.
53. The decision above may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

Mr Resh Sohota
10 March 2024