

Sussex County Football Association

Disciplinary Commission

Correspondence Hearing

as part of Consolidated Proceedings with four other Personal & Correspondence Hearing cases

The Case ID: 9688442-M

The Player: Mr Jay Carse of Preston Brewery Tap FC (the “Club”)

The Charge: FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour)

The Match: Sussex Sunday Football League Cup match on 16 December 2018
Bison Beer FC vs. Preston Brewery Tap FC

The Commission: Mr Thura KT Win JP – Chairman
Mr Mark Potter
Ms Amy White

The Secretary: Mr Ollie Powell, Football Services Manager of Sussex County FA

The Date & Time: Tuesday, 05 February 2019 commencing at 6:30pm

The Venue: Aداstra Hall, Keymer Road, Hassocks, Sussex

THE DECISION & REASONS OF THE DISCIPLINARY COMMISSION

The Allegation

1. On 07 January 2019, Sussex County FA charged Mr Carse with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour). It was alleged that the actions of Mr Carse at the match were contrary to FA Rule E3(1), and that his language/behaviour towards the Match Official was threatening and/or abusive after he was sent off.
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2. The relevant section of FA Rule E3 (p. 113 of the FA Handbook Season 2018-2019) states:

“(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.”

3. The evidence that Sussex County FA relied on was one of the Extraordinary Incident Reports submitted by the Match Referee, Mr Rupert Wells, dated 19 December 2018, in which Mr Wells stated that:

“Having been sent from the field of play for foul & abusive language on 73 mins, Mr Jay Carse, then came back onto the pitch and begun walking up to me in a very aggressive and threatening manner say ‘I’m going to fucking you knock you out, you’re a fucking little cunt’ over and over again whilst coming right up into my face. At no point did any of his team-mates try to stop him from such aggressive behaviour and I had to threaten to call the police to which he said ‘I couldn’t give a flying fuck, you can do what you like, it would be worth to knock you out’ and then went on to say ‘you deserve a fucking good chinning’. His behaviour was such that I felt for my own personal [safety] - the incident went on for a good 90 seconds before he finally stormed off the field of play.”

The Response

4. Mr Carse responded by pleading “not guilty” to the charge and initially requested a Personal Hearing, but later changed to his case being dealt with in his absence at a Correspondence Hearing. Mr Carse submitted a letter, dated 25 January 2019, in which he stated (we quote the relevant text):

*“... I came over to the ref and said ‘how the f*** is that a penalty’ I was in disbelief and feeling cheated. The ref automatically gave me a second sin bin. I said to the ref ‘you need a slap’, an off the cuff frustrated remark, I DID NOT say I was going to give him a slap. I proceeded to leave the pitch towards the changing room... From that point on I had NO contact with the ref... I would like to apologise sincerely for my part during this game... I am explaining my actions in writing as I am unable to attend a personal hearing due to injuries to my leg, I have torn my ACL and MCL and I’m waiting reconstructive surgery.”*

The Hearing & Evidence

5. Mr Wells, the Match Referee, had submitted seven Extraordinary Incident Reports arising from the match involving three other participants and the Club itself. Two participants and the Club had requested their cases to be heard at Personal Hearings and attended the Hearing.
6. As these offences were alleged to have been committed during and after the same match and there was related or common Association evidence, the proceedings against all five charges were consolidated, as per Regulation 13 of FA Disciplinary Regulations – General Provisions (p. 138 of the FA Handbook Season 2018-2019), and to be heard at the same hearing where *evidence adduced by or on behalf of a Participant shall be capable of constituting evidence against another Participant (the relevant panel shall give appropriate weight to such evidence) and Participant or their representatives shall be entitled to cross-examine other Participants and their witnesses (if in attendance)*.
7. The following is a summary of the principal submissions provided to us. 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 we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case.
8. We had received and read the bundle of documents prior to the Hearing.
9. We noted that the allegations made by Mr Wells, in para 3, were different from the version of events Mr Carse had stated in his response, in para 4.
10. We also noted that Mr Wells had submitted seven Extraordinary Incident Reports on 19 December 2018, some three days after the match, and there were a number of incidents that Mr Wells had to deal with during, and after, the match.

Standard of Proof

11. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

Our Findings & Decision

12. During the Personal Hearing, under the consolidated proceeding, for other cases from the same match, we had concluded from live evidence received that the events more likely than not to have happened were somewhere between the versions which had been reported and what the participants had submitted.
13. Due to a number of matters that Mr Wells had to deal with at the match and the time lapsed before the reports were submitted by Mr Wells, in para 10, as well as our findings in other cases, in para 12, we were not persuaded that the allegations relating to Mr Carse were exactly as reported by Mr Wells.
14. However, even taking Mr Carse's admission alone where he had said to Mr Wells in frustration that "*you need a slap*", in para 4, the context in which it was said, we found it to be threatening. Mr Carse had also admitted to using abusive language.
15. Therefore, we were unanimous in finding the charge against Mr Carse PROVED.

Previous Disciplinary Record

16. As we found the charge against Mr Carse proved, we sought his previous relevant disciplinary record.
17. Mr Powell advised us that Mr Carse has one previous misconduct charge for Improper Conduct against a Match Official (including physical contact, violent conduct and threatening and/or abusive language/behaviour) in April 2015 when he received 182 days suspension and £150 fine.

Mitigation

18. Mr Carse had not presented any specific mitigations as such in his submission but had offered an apology in his submission.

The Sanction

19. We noted from the Sanction Guidelines that the recommended punishment for the offence Mr Carse had been charged with is 112 day or a 12-match suspension plus a fine of up to £100, with the minimum punishment of 56 days or 6-matches and a fine of £50.

20. We did not find any reasons to deviate from the recommended punishment in sporting sanction, especially as Mr Carse has a previous relevant disciplinary record.
21. However, we decided to reflect the degree of threat we assessed and other contributing factors in this case in the financial penalty we would impose.
22. After taking all into consideration, including previous disciplinary record, any aggravating and mitigating factors present and the Sanction Guidelines, we agreed unanimously and ordered that Mr Carse is:
 - 22.1. to serve an immediate suspension from all football for 112 (one-hundred and twelve) days;
 - 22.2. fined a sum of £50 (fifty pounds); and
 - 22.3. 9 (nine) Club Disciplinary Points to be recorded.
23. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Thura KT Win JP (Chairman)

Mark Potter

Amy White

10 February 2019