

**IN THE MATTER OF CHEIKHOU KOUYATE AND A CLAIM FOR WRONGFUL  
DISMISSAL**

**BEFORE A FOOTBALL ASSOCIATION REGULATORY COMMISSION**

<b>Venue:</b>	Web-ex
<b>Date:</b>	23 <sup>rd</sup> February 2016
<b>Participant:</b>	Cheikhou Kouyate
<b>Match &amp; Competition:</b>	Blackburn Rovers v West Ham United – FA Cup – 5 <sup>th</sup> Round
<b>Date of Match:</b>	21st February 2016
<b>Regulatory Commission Members:</b>	Mr P D Powell – Chairman Mr S Turner Mr M Robinson
<b>Secretary to the Commission</b>	Mr M Ives
<b>In attendance:</b>	n/a
<b>Representatives:</b>	n/a
<b>Charge:</b>	This was a claim for Wrongful Dismissal against the Participant's dismissal for an offence in the above Game

In the above Match Mr Cheikhou Kouyate (the Participant) was dismissed from the field of play for denying a goal or an obvious goal scoring opportunity pursuant to Law 12 of the Laws of the Game.

The Participant has lodged a claim for wrongful dismissal. In a case such as this the onus is on the Participant to show the referee has made an obvious error.

The Commission considered the written report of the referee (Mr Moss) and the letter from West Ham FC on behalf of the Participant.

Further the Commission viewed the video of the incident a number of times and received the helpful advice of Adam Gale-Watts, a senior coach employed by PGMO Limited and appointed by the F.A. as a Referee Advisory Panel Member, to advise the Commission. Mr Gale-Watts was available to answer questions regarding the Laws of the Game throughout the hearing, however took no part in any discussion relating to the actual circumstances of the case.

Mr Gale-Watts explained on the Law relating to denying a goal or an obvious goal scoring opportunity and advised that there were a number of elements to be considered by the referee. The relevant issues were:

- (a) the distance between the offence and the goal;
- (b) the direction of play;
- (c) the likelihood of the player keeping or gaining control of the ball;
- (d) the location and number of defenders;
- (e) the offence may be an offence that incurs a direct free kick or an indirect free kick and it is not necessary for the offence to be inside the penalty area; and
- (f) the opportunity for an obvious attempt on goal.

West Ham, on behalf of the Participant, submitted, amongst other matters, that the fouled Blackburn player (Adam Henley) had not been likely to keep or regain control of the ball.

The Commission unanimously agreed with this submission as the ball ran away from Henley as his attempted control was not successful. He had lost control of the ball, which was quickly at the feet of the West Ham goalkeeper, and in the Commission's view was not likely to regain control.

Therefore the claim for wrongful dismissal was upheld.

Peter Powell  
Chairman  
25<sup>th</sup> February 2016