

**FA CHALLENGE CUP
EVERTON FC V CHELSEA FC
SATURDAY 12TH MARCH 2016**

**Written reasons for the Regulatory Commissions Decision held on :-
Thursday 31st March 2016**

Mr. Paddy McCormack – Judicial Services Manager acted as Secretary to the Commission

- Mr. Diego Costa – Chelsea FC Player
- Mr. J. Sturman QC – Legal Representative of Mr. Costa
- Mr. J. Bonington – Head of Legal Chelsea FC
- Mr. D. Barnard – Secretary of Chelsea FC (observer)
- Mr. K. Campello – Chelsea FC Interpreter (observer)

- Ms. A. Graham – FA Advocate
- Mr. J. Wallace – FA Staff (observer)

- Mr. M. Joss – Independent Interpreter

In addition to the aforementioned charge letter, from The Football Association:

1. A Report from the Match Referee – Mr. M. Oliver dated 13th March 2016;
2. A Report from the Match Assessor – Mr. A. Kaye, dated 13th March 2016; and
3. A video clip of the Incident showing various angles.

Further to the previously mentioned Reply Form, from Mr. Diego Costa and Chelsea FC:

4. Correspondence from Mr. Diego Costa dated 17th March 2016;
5. Correspondence from Mr. James Bonington – Head of Legal Chelsea FC – dated 17th March 2016; and
6. Chelsea Football Club Video clip showing incidents in the match prior to the red card being issued.

PREVIOUS RECORD:- Having admitted the charge the Commission were informed that Mr. Diego Costa had no previous record during the current season, or during the previous five seasons, regarding a charge under FA Rule E3 of a similar occurrence but on two previous occasions, namely:

January 2015 and December 2015 had cases proven relating to matters not seen by the Referee and had in each matter received a 3 match suspension.

3. THE FOOTBALL ASSOCIATION

Ms. A Graham outlined the case for The Football Association referring to the report of the Match Referee, Mr. M. Oliver, and in particular his reference to:-

“He approached me in a confrontational and aggressive manner to complain about the decision, and due to his proximity to me and the aggressive nature in which he shouted in my face, I was required to back away from the situation in an attempt to defuse it.”

Likewise to Mr. A. Kaye, the Match Assessor, who had included in his report:-

“In the aftermath of an incident in the 84th minute involving A19 & H18, the Referee rightly issued a 2nd yellow card to A19 followed by the issue of a red card. This brought about a difficult confrontational situation for the Referee where A19 displayed aggressive behaviour towards the Referee, coming very close into the Referees personal space. Eventually, A19 departed from the field as instructed by the Referee and the game recommenced soon after.”

NOTE: A19 – refers to Away No. 19, namely Mr. Diego Costa.

The video clip also relied upon by The Football Association which showed the ‘confrontation’ reported by both the Match Referee and Match Assessor from several angles was played.

Ms. Graham gave in detail The Football Association’s viewpoint to various points of mitigation submitted by both Mr. Diego Costa and Chelsea Football Club. She conceded that the incident was of short duration but referred to the match being televised and ‘the angry manner’ in which Mr. Diego Costa had approached the Referee requiring him to move away.

Ms. Graham then addressed the Commission relating to The Football Association’s viewpoint on sanctions. She opined that the case was not a matter for a suspended sanction and specifically referred to the wording of FA Disciplinary Procedures, Page 327 of the current handbook, Rule 8.3 (d), namely that no more than three-quarters of any suspension may be suspended.

4. MR. DIEGO COSTA

Mr. J. Sturman QC referred in detail to matters that had occurred during the match which led to his client becoming

'more and more' frustrated.

In detailed mitigation he referred to the initial caution which the player deemed there "in fact no material contact was made", likewise by showing a video of ten specific moments in the game demonstrating fouls on Mr. Diego Costa which Mr. J. Bonington had stated in writing on behalf of the club led to it being shown "it is in our submission understandable that Mr. Costa felt extremely frustrated". It was suggested that such was an aggravating factor to that which had occurred. Likewise reference was made to the game being only delayed 5 or 6 seconds.

Mr. Sturman urged the Commission to utilise its powers contained in Regulation 8.1 and not to impose a further suspension which he deemed would be disproportionate.

Mr. Diego Costa, answered questions relating to the incident from Mr. Sturman, through the Independent Interpreter, during which he apologised and indicated regret for his conduct.

In concluding Mr. Sturman said he believed his client had learnt a lesson from the incident; accepted he was passionate but that no offensive language had been used; had spoken to Officers within Chelsea FC regarding the matter; had accepted the charge and apologised and therefore trusted that the Commission would not suspend him and that any financial penalty would be at the "lower end of the scale"

5. **FINDINGS**

The Members of the Commission carefully considered all matters before them.

They noted that Mr. Diego Costa:

- i. Had not been reported for a similar offence previously;
- ii. Had virtually immediately pleaded guilty; and
- iii. Had apologised.

They had noted the opinions placed before them by those representing both The Football Association and Mr. Diego Costa relating to sanctions and unanimously concluded.

The Commission Members having carefully considered the mitigating and aggravating factors, have imposed the following sanction on Mr. Diego Costa:

- He is to be warned as to his future conduct;
- Suspended, with immediate effect, from all domestic club football until such time as Chelsea FC have completed one first team competitive match in approved competitions
- Fined the sum of £20,000;
- Must pay a contribution of £1,000 towards the costs of the hearing; and
- Forfeits the hearing fee.

6. **APPEAL**

This decision may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

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BARRY W. BRIGHT
CHAIRMAN
01st April 2016