

# **In the Matter of Kyle McFadzean (Milton Keynes Dons FC.)**

## **Reasons for Regulatory Commission Decision**

**Tuesday 22nd March 2016**

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1. These are the written reasons for an FA Regulatory Commission decision made on Tuesday 22<sup>nd</sup> March 2016.
2. The Regulatory Commission members were Messrs. B. M. Jones (Chairman), M. Robinson and P. Fletcher.
3. Mr P. McCormack, the Manager of the Judicial Services Department of The Football Association acted as Secretary to the Regulatory Commission.
4. Mr. E. Wolstenholme also attended the hearing as a member of the Referees Advisory Panel. He informed the Regulatory Commission on the Law relating to Violent Conduct and in particular the factors considered by match officials when determining such a matter. Mr. Wolstenholme remained available to answer questions relating to the Law but took no part in any discussion relating to the actual circumstances of the case.
5. The Referee, Mr Christopher Kavanagh, had dismissed Mr McFadzean from the field of play for violent conduct in the Football League Championship fixture Milton Keynes Dons FC v Brighton & Hove Albion FC on Saturday 19<sup>th</sup> March 2016. Mr Kavanagh reported that *“In the 71<sup>st</sup> minute I awarded a free kick to Brighton and dismissed Kyle McFadzean after advice from my assistant referee Carl Fitch. Carl had informed me, that from his position he could clearly see Kyle make connection with his upper arm, violently and with force into the opposing player’s face. I showed Kyle the red card and dismissed him from the field of play”*. Mr Fitch reported *“In the 71<sup>st</sup> minute of this fixture, a long ball was played by a Brighton defender in the air. From my*

*uninterrupted viewing angle, the defender of MK Dons (Kyle McFadzean) made no attempt to play the ball and focused his attention on the movement of the Brighton striker as the ball was in flight. As the striker is running towards the ball, the defender deliberately used his upper arm to connect with the face of the opponent as the striker is running at speed. In my opinion, this incident was a deliberate act of violent conduct potentially placing the safety of the striker in jeopardy. I informed this information to the match referee who dismissed Mr McFadzean from the field of play.”*

6. A video recording was provided by the Club and the members of the Regulatory Commission very carefully viewed the video clips on a number of occasions both at normal speed and in slow motion.
7. In addition we considered in detail all of the written submissions before us. Such included the report by the Match Official as referred to above; a report from the Assistant Referee Carl Fitch dated the 21<sup>st</sup> March 2016 and referred to above; a letter from Kirstine Nicholson, Head of Football Operations at Milton Keynes Dons FC dated the 22<sup>nd</sup> March 2016; the video recordings of the incident in question and a further video recording of an incident in a totally different match but involving Mr McFadzean.
8. That further video recording was of no help to the Commission as each case has to be judged on its own facts and merits. It was simply not relevant to our deliberations today.
9. A Player and his Club may seek to limit the disciplinary consequences of the dismissal of a Player from the Field of Play by demonstrating to the Regulatory Commission that the dismissal was wrongful. In order to succeed the Player and his Club must establish that the referee made an **obvious error** in dismissing the Player. (Emphasis added).

10. The club denied that Mr McFadzean acted in a violent manner and suggested that he was simply trying to step across the line of the opponent and that he did not use his upper arm in doing so.
11. The video evidence, particularly in slow motion, although not absolutely clear, seemed to show that Mr McFadzean's right upper arm did make contact with the opponents head as reported by the Assistant referee.
12. Therefore the Regulatory Commission had to refer to the evidence of the match official and the assistant match official and which evidence is conclusive and Mr Fitch seemed to be in a good position to see what actually happened.
13. We therefore reminded ourselves that the onus is on the Club to prove to the Commission members that the Referee was obviously wrong to dismiss the player for Violent Conduct.
14. Having done so the members of the Commission were of the opinion that the Club had failed to prove to our satisfaction that the Match Official had made an obvious error.
15. That being the case the members of the Regulatory Commission dismissed the claim and ordered that the standard sanction remain with immediate effect.
16. The members of the Regulatory Commission did not consider the claim to have had no prospect of success and did not increase the standard sanction.

**Brian M. Jones (Chairman).**

Marvin Robinson.

Peter Fletcher

Friday 25<sup>th</sup> March 2016.