

Football Association Independent Regulatory Commission

(the 'Commission')

**in the matter of an FA Rule E3 charge for misconduct brought by
The FA against Mr Jose Mourinho of Manchester United FC.**

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Wednesday 30th November 2016.
2. The Commission members were Mr. S. Ripley (Chairman), Mr. B. Talbot and Mr. U. Onwere.
3. Mr. M. Ives of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. Mr Mourinho was charged by The FA with misconduct for a breach of FA Rule E3 in relation to an incident that occurred in or around the 27th minute of the Manchester United FC v West Ham United FC Premier League fixture which took place on the 27th November 2016. It was alleged by The FA that this behaviour amounted to improper conduct.
5. The FA designated the case as being 'Non-Standard' as Mr Mourinho had been charged with a previous breach of FA Rule E3 on the 29th October 2016 following a fixture with Burnley FC, such charge occurring within the preceding 12 months of this charge.

6. Mr Mourinho admitted the charge by way of the FA Disciplinary Proceedings Reply Form (NS) on the 29th November 2016. He did not request a personal hearing and accepted that the matter would be dealt with by way of a paper hearing.
7. Thus, the only matter to be determined by the Commission was the imposition of an appropriate and proportionate sanction given all the circumstances.
8. The Commission had before it the following evidence:
 - a. Report of the Match Referee, Mr. J. Moss, dated 27th November 2016;
 - b. Report of Fourth Official, Mr A. Taylor, dated 27th November 2016;
 - c. A video clip of the incident; and
 - d. A letter from Manchester United Club Secretary, Mr. J. Alexander dated 29th November 2016.
9. The Commission was also given details of Mr. Mourinho's previous disciplinary record over the past 5 years, which the Commission considered carefully.
10. In his Report the Match Referee, Mr. J. Moss stated... *"In the 28th minute following a caution for Paul Pogba of Manchester United, I was informed by the 4th Official Mr Taylor that Mr Mourinho the Manchester United Manager had reacted to the decision in an inappropriate way. He told me*

he had kicked a water bottle in a reckless manner some distance down the touchline towards the assistant referee and would need to be removed from the technical area. I approached the technical area and sent Mr Mourinho to the stands. He quickly left the area”.

11. The Fourth Official, Mr. A. Taylor, stated in his report... *“In reaction to Manchester United player, Paul Pogba being cautioned for simulation, Mr Mourinho aggressively kicked a water bottle from the technical area which landed approximately 20m further down the touch line close to AR1. This action was done so recklessly and with little consideration of the consequences and in breach of Stage 2 of the technical area protocol. I initially informed Mr Mourinho that he was not going to be able to remain in the technical area which he acknowledged. I then requested the Match Referee, Jon Moss, to dismiss Mr Mourinho from the technical area”.*

12. The Commission noted the following extracts from Mr. J. Alexander’s letter which was drafted on behalf of Mr. Mourinho...

a. *“Mr. Mourinho accepts that in accordance with the Technical Area Code of Conduct (the ‘Code’), if a person kicks “a water bottle in a dangerous manner”, the Code requires that Match Officials instruct such person to leave the technical area”. Mr. Mourinho accepts that he did kick a water bottle...[and] therefore accepts that in accordance with the Code, he was correctly sent from the technical area and that his actions constitute improper conduct in breach of Rule E3(1). Mr. Mourinho therefore admits the Charge.*

- b. *“The reason for his particular frustration [was that] it was the fifth booking that Mr. Pogba had accumulated in the season and as a consequence he would miss...the League Cup Quarter Final against West Ham United on 30 November... Notwithstanding his explanation, Mr Mourinho accepts fully that he should not have reacted in such a manner and that he should have managed his frustration in other ways as opposed to kicking a plastic bottle”.*
- c. *“Mr Mourinho accepts that when exercising its discretion as to the level of sanction, The Regulatory Commission will take into consideration his previous disciplinary record. Furthermore, Mr Mourinho accepts that his record is unsatisfactory and that he has only very recently been sanctioned in respect to other incidents.”*
- d. *“It is understood that the ‘Standard Penalty’ for this type of incident would be a fine and only a fine as it did not include and abusive language or behaviour towards a match official and he was not charged as such. Mr Mourinho accepts fully however, that this is a Non-Standard Case and as such, the Regulatory Commission has discretion to impose such sanction as it considers appropriate in the circumstances”.*
- e. *“Mr Mourinho also wishes to place on record his sincere apology for his actions which have led to further disciplinary action being taken against him. Mr Mourinho wishes to emphasise that he genuinely is remorseful that his actions have led to further disciplinary action and as noted above he is striving to improve his disciplinary record. Mr Mourinho understands that given his recent*

disciplinary record, the Regulatory Commission may need to be persuaded to give much credence to such sentiments when exercising its discretion as to the sanction to be imposed in this case.”

13. The Commission members viewed the footage provided and unanimously considered the incident to be at the lower end of ‘improper conduct’.
14. The Commission makes no comment as to what actually motivated Mr Mourinho to kick the bottle in the way that he did. The fact remains that he aggressively kicked the bottle in a manner that could have endangered people around him regardless of the motivation to do so.
15. The Commission considered that Mr. Mourinho ought to be credited for his early admission to the Charge, his non-confrontational actions when engaging with the Officials subsequent to him kicking the bottle and his apology, which the Commission accepted as being sincere.
16. Notwithstanding the above, the Commission could not ignore the fact that Mr. Mourinho has accumulated a number of previous disciplinary charges from The FA and that he was very recently charged by The FA with misconduct on the 29th October 2016.
17. Thus, having considered all the evidence before it, the Commission decided that an appropriate sanction, given all the circumstances, would be that Mr. Mourinho receives an immediate one match touchline ban and a fine of £16,000.

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

Stuart Ripley

Regulatory Commission Chairman

30th November 2016