

Football Association Appeal Board

Appeal by Patrick Kenny

Statement of Appeal Board Decision 20 October 2009

This is the written statement of an Appeal Board decision made at a hearing at Wembley Stadium on Tuesday 20 October 2009, as required by 3.6 of the Regulations for Football Association Appeals (see The FA Handbook 2009-2010, page 367).

Appeal Board: Mr Nicholas Stewart QC (Chairman), Mr M.M. Armstrong, Mr G. Mabbutt

Appellant: Mr Patrick Kenny

Respondent: The Football Association

Decision appealed against: Decision of FA Regulatory Commission made 7 September 2009 (Chairman Mr Christopher Quinlan) that for breach of FA Rule E25 (Doping Control) on 11 May 2009 the Appellant should be suspended from all football and football activities for a period of 9 months from 22 July 2009, with an order that the Appellant would be subject to target testing for a period of 2 years with immediate effect and orders that the hearing fee be retained by the FA and Mr Kenny should pay the costs of the hearing

Grounds of appeal: The ground of appeal was that the penalty of a 9 months suspension was excessive: see 1.5(1) of Regulations for Football Association Appeals (The FA Handbook Season 2009-2010, page 364)

Whether the appeal is allowed or dismissed: The appeal is dismissed

Order of the Appeal Board: The Appeal Board orders as follows:

- (1) The appeal is dismissed.
- (2) The sanctions imposed by the Regulatory Commission, including the 9 months suspension are accordingly upheld.
- (3) The £100 deposit paid by the appellant under 1.3(4) of the Regulations for Football Association Appeals is forfeited.
- (4) The appellant is ordered to pay the costs of the Appeal Board, under 3.4 of the Regulations for Football Association Appeals.

Nicholas Stewart QC
Chairman

21 October 2009