

DISCIPLINARY COMMISSION

On behalf of Amateur Football Association

NON - PERSONAL HEARING

Of

GUY FILIPE

Case ID: 10275537M

THE DECISION AND REASONS OF THE COMMISSION

Introduction

During a match on 17 October 2020 between Kwanzas London Sport FC (Kwanzas) v Frenford A FC in the Essex Alliance Football League, there was an incident involving Guy Filipe (Mr Filipe) who was playing for Kwanzas. In the 90th minute, Kwanzas conceded a goal and from winning 2-1, the score was 2-2. Following the 90th minute equaliser, the Referee issued a number of yellow cards to protesting Kwanzas players. He was then hit by a swinging arm from Kwanzas player 21, suffering a number of injuries. The opposition team called the police and an ambulance. Number 21 was reported to have run off the pitch after hitting the Referee but later attended to the Referee's changing room and offered an apology.

The Charge

The FA charged Mr Filipe with the following:

- (1) Breach of E3.1 Assault on Match Official in respect of above fixture. It is alleged that during the fixture, Mr Filipe slapped the Match Official on the left side of his face which is improper pursuant to FA Rule E3.1.

The relevant section of FA Rules E3.1 states:

“(1) A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

Charge

Mr Filipe failed to enter a plea. Accordingly the Commission will treat the charge as having been denied and it will examine the evidence before reaching a decision based on the papers.

The Commission

The following members were appointed by The FA to this Disciplinary Commission (“the Chair”):

John Murphy (Chair).

Evidence

On behalf of the FA:

The Referee submitted a detailed report. He stated that after the equalising goal, and during the initial confrontation by a number of Kwanzas players and some of their technical area personnel, Mr Filipe shouted ‘abuse in my face’; that he felt threatened by Mr Felipe and that he asked Mr Filipe to ‘step back’ and ‘move away’ from him.

The Referee continued he saw that Mr Filipe swung his arm, described by the Referee as a ‘haymaker’, and slapped the Referee on the side of the head.

The Referee stated that this slap knocked him back; that he dropped down to one knee; that he suffered immediate loss of hearing, blurred vision and was left in a dazed state.

The Referee understands that the opposition team surrounded the Referee after he was hit by Mr Felipe.

The Referee was later diagnosed with a perforated ear drum; he had bruising and swelling to the left side of his face and describes that he has lost hearing in his left ear; suffers from dizziness and requires pain killer tablets. The Referee received medical treatment from Whipps Cross A & E hospital.

The Referee stated that that Mr Felipe was reported to have run from the pitch following him slapping the Referee. Later when the Referee had returned to his changing room, Mr Felipe did offer an apology to the Referee, although the Referee stated that he felt that the apology lacked remorse.

On behalf of Mr Felipe:

The Kwanzas team submitted statement addressed, 'To whom it may concern', dated 18 October 2020. It stated that the Club showed 'solidarity' with the Referee and that Mr Felipe had been suspended by Kwanzas.

The above is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that the Chair did not take such point or submission into consideration when it determined the matter. For avoidance of doubt, the Chair had carefully considered all the evidence and materials furnished with regard to this case.

Standard of Proof

The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Chair would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Findings and Decision

The Chair considered all the evidence before him.

The Chair decided that the charge was proven.

Previous Disciplinary Record

The Chair sought Mr Felipe's previous disciplinary record.

The Sanction

The Commission considered the relevant Rules under FA Rule E3.1 and E3.2, the relevant Regulations under The FA Disciplinary Regulations and the Sanction Guidelines issued by The FA.

The Commission firstly noted that the Mr Felipe had not engaged with the disciplinary process; that his attack on the Referee brought an end to the game, knocked the Referee to his knee, forced him to take hospital treatment and as of the date of the Referee's report, resulted in loss of hearing on the left hand side to the Referee, along with other serious medical symptoms.

The Chair considered the assault on the Referee was a very serious matter and was considered to merit a high entry point on the sanction scale.

The Chair orders that Mr Filipe is banned from all football and football activities for a period of 10 years, starting on 17 October 2020. Mr Filipe is free to play from 17 October 2030.

The Commission also imposes 10 Club Disciplinary points on Kwanzas.

The decision of the Commission is subject to the right of appeal under the relevant FA Rules and Regulations.

Commission

John Murphy - Chair

9 November 2020