

The Football Association Disciplinary Commission

(‘The Commission’)

Sitting on behalf Amateur Football Alliance

In the matter of Mikey (Michael) Hagan

(Case number 103166351M)

Disciplinary Commission Decision:

1. The members of the Commission were Mr Les Pharo (Chair), Mr Gerry Daish and Mr Ian Stephenson. The secretary was Mr Adam Wing all appointed by the FA.
2. Mr Mikey Hagan was the subject of two charges:
 - a. **Charge 1:** A breach of FA Rule E3 (1): Improper conduct (Including foul and abusive language).
 - b. **Charge 2:** A breach if FA Rule E3 (2) Improper Conduct-aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability,
3. **The Rules Rule E3:** The FA handbook 2020/21 states the following:
 - a. *A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, of a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.*
 - b. *A breach of Rule E3(1) is an ‘Aggravated Breach’ where it includes a reference to only one or more of the following: ethnic origin, colour, race, nationality, religion or belief, gender, gender assignment, sexual orientation or disability.”*
 - c. *Discipline regulations part A Appendix 1 states that where an Aggravated Breach is committed for the first time the Commission shall impose an immediate suspension of between six and twelve matches. The Commission has the power to increase the suspension depending on any additional aggravating factors present.*
4. Mr Hagan denied the charges and requested a personal hearing. This matter was therefore dealt with by way of a virtual hearing on Thursday 28th January 2021.

5. **Standard of Proof:**

The applicable standard of proof for this case is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

6. The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.
7. The charges against Mr Hagan of Old Finchleians were brought by the AFA as a result of a complaint from Mr Charlie Magoye a player of Civil Service First concerning a match played on 5th December 2020 between Old Finchleians First and Civil Service First in the Southern Amateur League, division 2 where it was alleged that Mr Hagan used the words “Stop trying to hold my hand you batty boy” towards Mr Magoye.
8. In Support of the charge there was a statement from Mr Magoye, and a submission from Mr Steve Evison. There was also a referee report to consider from Mr Joshua Evans, who did not attend the hearing.
9. In response to the charge there was a submission from Mr Hagan and a submission from Mr Fletcher.
10. In attendance at the hearing on behalf of the County was Mr Magoye. Mr Steve Evison wished to attend the hearing as a representative on behalf of the club, it was explained to him and Mr Magoye that it was not necessary to have a club representative and that he had actually submitted a witness statement, he stated that he was not called as a witness only a club representative, and he confirmed that there were no issues that would require Mr Magoye to be supported and left the meeting.
11. Attending in defence of the matter were Mr Hagan, Mr Mathew Fletcher, and three persons who wished to act as a club representative those being Mr Robert Howard, Mr Alan Nicholls and Mr Robert Leeds. Mr Andy Murray attended as a witness as did Mr Martin Fletcher. It was explained to Mr Hagan that he could be accompanied by one club representative, to which he agreed and decided that Mr Leeds would be his choice. This was then explained to both Mr Nichols and Mr Howard.
12. Mr Magoye was invited to give his account and said it was as he had written in his statement and did not wish to change anything in that statement.
13. When questioned by Mr Hagan he said he was sure of what was said and that Mr Hagan used the words stated, which caused him to complain to the referee. He was asked by Mr Hagan if he (Hagan) had admitted using the words to the referee, and Mr Magoye replied that it was not denied nor was it admitted.

14. When questioned by the commission it was established where on the pitch the alleged event took place and if any others were nearby and were told there were not. It was explained that there was a pull on the arm and shirt of Mr Hagan by him, which caused the remark to be made. He stated that there were no other incidents between the two of them either before or after the comments, and said they were not known to each other. He said he was 100% sure of the words used, and that it was a result of him “hanging on to Mr Hagan”. He said they were about 4 or 5 yards apart when the words were said as Mr Hagan had started to move away. He stated that he was angry by the use of the words and told the referee what had happened whilst Mr Hagan was there, and the referee said he did not hear it so they should continue to play the game.
15. Mr Hagan gave his account of the incident stating as per his statement, there was a tussle between him, and Mr Magoye and he told him (Magoye) to stay away from him, Mr Magoye then complained to the referee accusing him of using homophobic language and the referee told them to get on with the game.
16. When questioned by the commission, he believed that his comments were misinterpreted or misheard and that he did not use the language alleged. He said he was in control at all times. He said when it was alleged to the referee what he had supposed to have said he neither denied or admitted saying it and did not feel the need to comment. He added that he would not make that type of remark to anyone.
17. Mr Fletcher gave his account, where he said he was not aware of anything until the end of the game where he overheard a player complaining about a lack of action from the referee where a homophobic slur had allegedly been used. He did not hear any conversations during the game, but he did advise the referee to report the complaint.
18. When questioned by the commission he stated although he did not hear anything he did see the player when talking to the referee at the end of the game and he seemed angry and frustrated at the lack of action by the referee.
19. Mr Murray gave his account, and said he was on the side-lines and did not hear any conversations between the two players but saw some sort of tackle and was made aware later that there was a complaint about a comment.
20. When questioned by the commission he said that the civil service player seemed frustrated but not angry at the tackle and had his arms outstretched. He said no one else was involved only the two and he was about 25 yards away.
21. Mr Hagan stated that he had no other evidence to present in the matter, and that the hearing had been fair. He was invited to sum up his case and he said he did not use the words anywhere, and he had not become angry or frustrated as he saw no point in doing so.
22. In reviewing the verbal and written evidence in this matter the commission noted that there was a coming together between that two players and clear evidence, which was not disputed that there was an immediate complaint to the referee, this was confirmed in the referee report where the words alleged to have been used were shown. It was also not disputed that there was a further complaint at the end of the game, and this was also

confirmed in the referee report and in the evidence from Mr Fletcher. This was also confirmed in Mr Evison's statement.

23. Mr Hagan states that all he said after having his shirt pulled was "stay away from me", his two witnesses Mr Fletcher and Mr Murray could add nothing in relation to the alleged comments. If as was being suggested Mr Hagan only said, "stay away from me", it was considered unlikely that the reaction from Mr Magoye would have been so determined both at the time and after the match, it was therefore considered unlikely that Mr Hagan's version of events was correct, and on the balance of probabilities that it was the account given by Mr Magoye was the more likely to be a true account of the matter.

24. Having therefore reviewed the evidence provided in this matter the following unanimous decisions were made:

Charge 1:). A breach of FA Rule E3 (1): Improper conduct (Including foul and abusive language).

Proven.

Charge 2: A breach if FA Rule E3 (2) Improper Conduct-aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

Proven.

25. Mr Hagan was offered to give any mitigation, which he did not wish to do. Mr Leeds the club representative gave information of the club and their inclusivity and although he accepted the decision he did not agree with it, he stated that he felt the hearing had been fair. He did not believe that Mr Hagan would use such language.

26. Sanction was then considered taking into account the record of Mr Hagan, and the FA Sanction guidelines noting it was in reference to Sexual orientation and the following sanction was made:

For A breach of FA Rule E3 (1) and Rule E3 (2) Improper Conduct-aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

Mr Mikey Hagan is suspended from all football for 7 matches and fined the sum of £75-00. Five penalty points are awarded against Old Finchleians

Mr Hagan is to undertake an online education course to be completed within 4 months of this decision.

27. There is a right of Appeal against these decisions in accordance with the relevant provisions set out in the prevailing FA Rules and Regulations of the Association

Les Pharo

30th January 2021