

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION
CHAIR ALONE NON – PERSONAL HEARING**

**AMATEUR FA
(on behalf of the Football Association)**

and

ARRON ARMSTRONG

DECISION AND WRITTEN REASONS

Preliminary Matters

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 29 June 2022 following a charge brought by Amateur FA against Arron Armstrong (“AA”) (Case ID: 10831364M)
2. The appointed Chair for the hearing was Elliott Kenton.

The Charge

3. AA has been charged by Amateur FA with a breach of:
 - 3.1 FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and / or abusive language / behaviour).
4. The particulars of the charge that AA tried to slap the referee’s card out of his hand and / or tried to slap the Referee in his face or similar. It is also alleged that AA verbally abused the referee saying ‘you fucking shit referee’, ‘go fuck yourself you prick’ ‘you pussyio’ ‘shit cunt’ or similar.
5. AA has not formally responded to the charge. Accordingly, the Chair shall consider whether the charges are proven on the balance of probabilities based on the documentary evidence before him.

The Evidence

6. This matter relates to a fixture between Old Aloysians Reserves and Hale End Athletic First which took place on 30 April 2022.
7. The relevant factual background herein is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, or to all the statements and information provided, 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 the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.

8. The Chair has before him the following evidence:
 - 8.1 Extraordinary Incident Report Form of Match Official, Emre Arslan dated 3 May 2022. Mr Arslan's evidence can be summarised as follows:
 - (a) AA was having a fairly moderate game until the end of the first half in which he started making uncontrolling tackles. Going into the second half, he continued to play rough and was given a yellow card 54 minutes into the game.
 - (b) Not accepting the caution, AA tried to slap the card/in my face. Now, I'm not sure what he tried to slap but from my angle, it was a slap towards my head height (this could be the card or my face).
 - (c) I want to believe that it was the card he tried to slap off but I can also assume it was my face. Hence, for using abusive gestures and attitude, he was given a red card.
 - (d) As he was walking off the pitch, he stated many abusive, disgusting and unacceptable swear words to me as well as my refereeing ability.
 - 8.2 Further evidence from the Match Official (by email), clarifying his evidence. Mr Arslan confirms that although he has forgotten a few of the abusive words exchanged, he remembers AA saying 'you fucking shit referee', 'go fuck yourself you prick' 'you pussyio' and 'shit cunt'.
 - 8.3 Witness Statement from Paul Walters, Hale End AFC (unsigned and undated). Mr Walters evidence is as follows:
 - (a) Having spoken to AA and knowing his character, his actions were totally out of character and were borne out of frustration as he felt that he was not getting any protection from the referee.
 - (b) He apologies for his actions. He let his team down and realises that the referee cannot see everything that happens on the field of play.

Decision on Liability

9. As AA has not formally responded to the charge, the Chair took into consideration all of the evidence before him in considering whether the Charges were proven.
10. The burden of proof is borne by Amateur FA that the charge is proven on *the balance of probability*.
11. Put simply, this means that the Chair should be satisfied that it was more likely than not that AA tried to slap the referee's card out of his hand and / or tried to slap the Referee in his face, whilst also being verbally abusive to the referee.
12. The Chair having considered all of the evidence before him has found that the charge is **proven** on the balance of probabilities.
13. The reason for the Chair reaching this decision are as follows:
 - 13.1 Paragraph 96.2 of the FA Disciplinary Regulations 2021/22 define the physical contact charge, in which the charge is based on. It is defined as follows:

*Physical contact or attempted physical contact: physical actions (or **attempted actions**) that **are unlikely to cause injury to the Match Official but are nevertheless confrontational**, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment);*

- 13.2 The Chair considered the principle evidence to establish the charge, which is the evidence of the Match Official. The Chair considered that the Match Official's evidence was clear and unequivocal in that on issuing a caution, AA attempted a slap. This slap was directed towards the card and the Match Official's face, although the Match Official admits that the direction of the slap could have been an attempt to contact the card held by the Match Official or at his face or both.
- 13.3 However, the Chair considered that it was established on the Match Official's evidence that an attempted physical contact had been made. The Chair considered that based on the evidence before him the attempted physical contact was confrontational.
- 13.4 Although the Chair has not heard from AA directly, it appears that evidence has been submitted by Paul Walters on his behalf. Mr Walters appears to admit the charge on AA's behalf, expressing remorse for AA's actions. The Chair considers that this is tantamount to an admission of the attempted physical contact.
- 13.5 Accordingly, the charge is proven on the balance of probabilities.

Decision on Sanction

14. As the Chair has found the charge proven, the Chair considered the appropriate sanction to impose. In doing so, the Chair referred to the Disciplinary Sanction Guidelines 2021/22 issued by the FA in relation to the Charges.

Physical contact / Attempted Physical Contact

15. The Disciplinary Sanction Guidelines provide a sanction range for a Physical Contact charge, which is suspension from all football activity for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors, is 182 days. A fine of up to £150, with a mandatory minimum of £75 is also stipulated along with an education programme which is mandatory for offences committed against a match official.
16. The Chair consulted AA's disciplinary record and noted that prior to this fixture, there were no relevant misconduct charges proven against AA.
17. Therefore, the Chair considered the sanction entry point of 182 days as permitted and considered if there were any aggravating or mitigating factors that should be taken into consideration which would warrant an upward or downward adjustment to this entry point.
18. The Chair considered that AA's clean disciplinary record should be credited in mitigation. Although the Chair notes that the apology was not direct, the Chair nevertheless credits remorse which has been expressed by Mr Walters on AA's behalf in mitigation. Accordingly, the appropriate downward adjustment to the 182-day entry point should be applied. This has to be balanced against an aggravating factor in that the Chair finds that there was a combination of both attempted physical contact and verbal abuse being levied against the Match Official.
19. Accordingly, the Chair imposed the following sanction against AA:

- (a) A 161 day suspension from football and all football related activities, backdated from the date of the interim suspension order (Sine Die) plus a period of 64 days to account for the period of football inactivity for the remainder of June, July and August. Accordingly, a **225 day suspension is ordered.**
- (b) A fine of £90;
- (c) 6 penalty points; and
- (d) A mandatory education course to be undertaken in person before the suspension has been served, the details of which shall be provided by the FA.

20. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton
National Serious Case Panel Chair
29 June 2022