



Football Association Disciplinary Commission

The Football Association on behalf of

Amateur Football Alliance

v

Emanuel Simberg Case ID: 11389363M

WRITTEN REASONS

Factual Background and Chronology

1. These are the Reasons for the decision of the Disciplinary Commission which was held via virtual personal hearing at 18.30 on 9th November 2023.
2. The Commission members were Mr Michael Cloherty (Independent Chairman and National Serious Case Panel), Mrs Raffella Coverdale (National Serious Case Panel) and Mr Rupert Bonny (National Serious Case Panel).
3. Ms Justyna Demuth of Lancashire FA acted as Secretary to the Commission.
4. The following is a record of the main points which the Discipline Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.
5. The charge in question arose following a game between Old Parkonians FC (Parkonians) and Old Finchleians Third FC (Finchleians) on 24th September 2023. Following the fixture a report was provided to Amateur Football Alliance and details of the allegations were contained within this report.

6. By letter dated 16th October 2023 Mr Emanuel Simberg, player for Parkonians, was charged with breach of FA Rule E3 – assault by participant on participant. Mr Simberg was also charged with breach of FA Rule E3– Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).
7. Mr Simberg replied to the charge letter denying the breaches and he requested that the matter be dealt with at a personal hearing.
8. **The Relevant FA Rules**

Assaults by Participants on other Participants

104 If a Match Official's report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a Match, the Affiliated Association shall without delay investigate the Referee's report.

105 Following the investigation, the Affiliated Association, if it is satisfied that a prima facie case can be made out against the alleged offender, may:

105.1 issue a Charge; and

105.2 may issue an Interim Suspension Order in accordance with paragraph 113 below against the alleged offender from all football activity until a Disciplinary Commission has adjudicated on the matter.

106 A Disciplinary Commission shall meet to consider the Charge within 28 days of (the date of) the Charge letter.

107 The recommended (or mandatory, where stated) sanctions where a Charge issued in accordance with paragraph 105.1 above has been found proven against the Participant are as follows:

- Player;*
- 1. Suspension from all football activities for a period between 140 days and 5 years with a mandatory minimum suspension for all football activity for 140 days.*
 - 2. A fine of £150.*

FA Rule E3 – improper conduct (including violent conduct and threatening language and/or behaviour).

Outside National League System (Except Youth)

1. Low: 1 - 3 match suspension/£20 - £50 fine
2. Medium: 2 - 4 match suspension/£40 - £80 fine
3. High: 3 - 10 match suspension/£70 - £125 fine

The Evidence

9. The Commission had before them the following items to consider:
- (i) A typed report dated 27th September 2023 from Mr Neil Hagger, referee for the fixture, who reported that after the game concluded he was approached by the Finchleians' manager who showed him his right hand which had blood on it. The referee confirmed that he did not witness any incident but the manager asked for the Parkonians team sheet.
 - (ii) A typed witness statement dated 1st October 2023 from Mr Harjinder Sandhu, manager for Finchleians who reported that he was stood about 30 yards from the Parkonian substitutes and his team conceded a goal to make the score 4 - 4. Mr Sandhu stated that he noticed one of the opposing substitutes, who he named as Mr Emanuel Simberg, running towards him and slide on his knees and Mr Sandhu removed his hands from his pockets to try to stop him from being slid into. Mr Sandhu outlined that the player bit into his thumb and kept his teeth locked but shortly released his grip as he fell back and Mr Sandhu noticed that his thumb was covered in blood. Mr Sandhu reported that throughout the game he was involved in verbal exchanges with Mr Simberg which he took as banter but he could not understand his motivation for attacking him. Mr Sandhu reported the matter to the referee who confirmed he did not see anything and after the game concluded he stated that Mr Simberg approached him and held out his hand to offer a handshake which was refused by Mr Sandhu, who went to A and E as his hand was still bleeding. Mr Sandhu provided confidential medical information and stated that owing to the potential for cross infection he had to undergo numerous medical procedures. Mr Sandhu concluded his account by outlining that he was aware Mr Simberg had stated that his hand entered Mr Simberg's mouth by mistake, which he challenged.
 - (iii) A number of photographs were provided which showed an adult male hand with obvious bite marks to the left thumb with blood clearly visible and skin obviously broken.
 - (iv) Confidential medical records provided by the NHS in the name of Mr Sandhu.
 - (v) A typed statement dated 3rd October 2023 from Mr Emanuel Simberg, player for Parkonians, who reported that he denied biting Mr Sandhu's thumb and did state that during the game he was being taunted by the Finchleian manager and when they equalised he decided to celebrate in front of the manager. Mr Simberg stated that he did a knee slide and as he slid through a puddle, his momentum took him in front of Mr Sandhu but he did not make contact and Mr Sandhu reacted by kicking him in between his legs, making contact with his inner thigh. Mr Simberg outlined that Mr Sandhu put his hand into his face and his finger or thumb may have entered his mouth as he was kicked by Mr Sandhu as he fell into a ball on the floor. Mr Simberg stated that Mr Sandhu pulled his hand away from him and he may have scratched his finger or thumb but that there was no bite. Mr Simberg

concluded his statement by reporting that at no time did Mr Sandhu make an allegation until he was in the bar and he told someone that he was going to report the matter to the police.

- (vi) A typed statement dated 3rd October 2023 from Mr Jordan Cope, co-chair of Parkonians who provided evidence of Mr Simberg's good character and he stated that he was told about the behaviour of the Finchleian manager.
- (vii) A video clip 58 seconds long;
 - 4 seconds player 67 presumed Mr Simberg comes into view running towards male standing at the side of pitch.
 - 9 seconds Mr Simberg begins to make into a slide motion on his knees about 2 – 3 yards from Mr Sandhu. Mr Simberg slides into Mr Sandhu's midriff and his hands move down towards the player.
 - 10 seconds Mr Sandhu left hand is close to the lower part of Mr Simberg's face and he pulls his left hand away as Mr Simberg falls backwards to his left.
 - 11 – 17 secs Mr Sandhu standing over Mr Simberg who is curled up at his feet.
 - 18 seconds Mr Sandhu gives a small kick to the side of Mr Simberg and he walks away.
 - 26 seconds Mr Sandhu showed his left hand to male wearing blue gillet.
 - 35 seconds Mr Sandhu walks towards the now standing Mr Simberg and shows his raised left hand to him.
- (viii) An undated typed response from an unknown author, but known to be Mr Cope, who provided a commentary on the FA rules and their opinion on the contents of the video.
- (ix) An undated typed statement from Mr Dan Seymour, Secretary and Director of Football at Shield Academy YFC, who provided evidence of Mr Simberg's good character.
- (x) A typed statement dated 19th October 2023 from Mr Ami Kattrra, player for Parkonians, who reported that during the game the Finchleian manager was intimidating and he mocked the Parkonian players. Mr Kattrra concluded his statement by providing evidence of Mr Simberg's good character.
- (xi) A typed statement dated 9th October 2023 from Mr Josh Gordon, player for Parkonians, who reported that the opposing manager was winding up his teammates but he did not witness the incident involving Mr Simberg.
- (xii) A typed statement dated 19th October 2023 from Mr Luke Bevan, player for Parkonians, who reported that when the goal was scored he ran onto the pitch

and he saw Mr Simberg knee slide in the direction of Mr Sandhu. Mr Bevan stated that Mr Simberg slid through a puddle and he collided with Mr Sandhu, who put his hand out and grabbed his face. Mr Bevan reported that Mr Simberg was on the floor when Mr Sandhu kicked him between the legs and around the head whilst saying he would *'knock him out'* and he took Mr Sandhu away from him. Mr Bevan concluded his statement by providing evidence of Mr Simberg's good character.

- (xiii) A typed statement dated 19th October 2023 from Mr Steven Williams-Barrow, player for Parkonians, who provided evidence of Mr Simberg's good character and he knew the incident was an accident as no words were spoken before the incident.
- (xiv) Mr Harjinder Sandhu attended the hearing and informed the Commission that he had been in dialogue with Mr Simberg throughout the game and when the equaliser was scored, he heard screaming and he thought that the person doing so was getting closer and he looked up and suddenly saw Mr Simberg sliding towards him and he instinctively put his hands down to his middle as Mr Simberg came into contact with him. Mr Sandhu stated that Mr Simberg bit into his left thumb and case excruciating pain and he pushed him away and stood over him and as he walked away, he saw that his hand was covered in blood and he returned to show two Parkonian players and Mr Simberg. Mr Sandhu outlined that he was in the club bar and Mr Simberg approached him and wanted to shake his hand but he refused. Mr Sandhu stated that he went to A and E and as a result of the injuries he had a number of injections and he is waiting for some additional results which is causing him great anxiety.
- (xv) Mr Emanuel Simberg informed the Panel that he had been involved in banter throughout the game, with Mr Sandhu, who became more aggressive as the game went on. Mr Simberg reported that he slid in celebration and he came into contact with him and Mr Sandhu placed his hands into the area of his chin/cheek/mouth but he did not remember Mr Sandhu's thumb entering his mouth. Mr Simberg denied biting Mr Sandhu at any stage and he could not account for how he came to his injuries. When it was pointed out that Mr Sandhu had injuries on the top and bottom of his thumb, which indicated that it had been caused by contact from both sides at the same time, Mr Simberg continued in his denial of biting Mr Sandhu. Mr Simberg had claimed, in his written statement that he had not made any contact with Mr Sandhu, but in his evidence to the Commission he admitted that he had but only slightly. It was pointed out that Mr Bevan had provided written testimony that Mr Simberg had come into contact with Mr Sandhu and Mr Simberg offered a potential reason as it may have been how Mr Bevan had witnessed the incident.
- (xvi) Mr Jordan Cope attended the hearing and stated that he was not present at the game and he gave evidence of Mr Simberg's good character.

- (xvii) Mr Simberg summarised his case by outlining that he was sorry that he celebrated in the manner shown in the video but he denied biting Mr Sandhu.

Decision

10. As part of its work the Commission reminded itself of the standard of proof which was required in order to find the charge proven, which was on the balance of probability.
11. The decision of the Commission was to find the charge, against Mr Simberg of breach of FA Rule E3 – assault by participant on participant not proven on the balance of probability. This was a unanimous decision.
12. The decision of the Commission was to find the charge, against Mr Simberg of breach of FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour) proven on the balance of probability. This was a unanimous decision.
13. The factors taken into consideration in reaching these conclusions were the following;
 - i. Mr Sandhu provided credible and compelling evidence that he was surprised by Mr Simberg's actions and he placed his hands down, in an instinctive motion and Mr Simberg intentionally bit his left thumb causing injury.
 - ii. Mr Simberg's explanation as to how Mr Sandhu came about his injuries was not credible and the video evidence adds weight to Mr Sandhu's account.
 - iii. Mr Simberg said Mr Sandhu kicked out at him with his leg, Panel members could not see this on the video recording. Panel members noted that the recording of the incident which they all viewed again during the hearing, had the view partially obscured by Mr Simberg's back, but the Commission interpreted that the video chronology aligned more with Mr Sandhu's account.
 - iv. With regard to the charge of assault participant on participant the Commission made their decision on the basis that , despite the level of injury caused to Mr Sandhu by Mr Simberg, this was not classed, legally, as '*serious bodily harm*'.
 - v. The Commission found that it was most probable that Mr Simberg bit Mr Sandhu's hand causing actual bodily harm and found the charge of violent conduct proven.
 - vi. The behaviour was violent, threatening and abusive.

Sanction

14. Having found the charges proven The Commission was able to consider mitigation.
15. The Commission was advised of Mr Simberg's misconduct record over the previous five years which showed he had a clear record.
16. The Commission received additional mitigation for Mr Simberg through his apology and remorse for his actions in approaching Mr Sandhu. The Panel also took account of the numerous items of positive character evidence.
17. The Commission found that there were a number of aggravating factors which included the unprovoked attack on Mr Sandhu, the injuries were significant and will take months to heal and Mr Sandhu has suffered anxiety following the assault.
18. The Commission referred to the Disciplinary Sanction Guidelines of the FA Handbook 2023/24 in arriving at its decision regarding sanction. The Commission formed the opinion that, owing to the exceptional nature of the breach of FA Rule E3, the standard sanction guidelines were insufficient and, after having sought guidance from the FA, the Panel imposed the following penalty.
19. Having weighed up all of the factors, the penalty imposed by the Commission was as follows;
 - i. Mr Emanuel Simberg will be suspended from all football related activity for 15 matches. The suspension will start from the date of the imposition of the Interim Suspension Order on 16th October 2023
 - ii. Mr Emanuel Simberg is fined the sum of £125.
 - iii. Old Parkonians FC are awarded 10 disciplinary penalty points.
20. There is the right to appeal in accordance with the FA Regulations.

9th November 2023

Mr Michael Cloherty

Mrs Raffella Coverdale

Mr Rupert Bonny