

## Disciplinary Commission (“The Commission”)

In the matter of Eric Johnson – Case ID: 10484335M

### Hearing Summary including Written Reasons

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Monday 18<sup>th</sup> October 2021.
2. The FA had appointed Mr. M. O’Brien of the National Serious Case Chair Panel to Chair the case.
3. Mr Eric Johnson (EJ) had been charged by Amateur Football Alliance (AFA) in respect of the following matters:-

Charge: FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour)

It is alleged that Eric Johnson used threatening and/or abusive language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Johnson used threatening behaviour/abusive language towards the referee after being sent off and at the end of the match.

The charges had been raised following alleged misconduct by EJ during a match between Alleyn Old Boys (AOB) v West Wickham Fifth (WWF) on 11 October 2021.

The charge was denied by EJ.

4. AFA received a statement from Match Referee, Wesley Gosine (WG), who stated that during the game EJ had said to WG ‘I’m gonna fuck you up after the game’ (for which he was shown a red card). WG also stated ‘After the final whistle when I thought the game was over the striker who was sent off wasn’t happy with a decision & waited by my bike (like he said he would during the game) offered me out - he then advanced on me, trying to push people out the away to get to me. As soon as the handshakes died and the team talks started he was waiting by where I kept my stuff at the side of the pitch, he then walked towards his own team up the line. He saw me and walked towards me in an aggressive manor saying “come on then”, “why you walking away for”, “let’s go” and “not talking shit now are you”. He advanced on me like he wanted to fight and proceeded to goad and taunt me into coming closer so we could fight’.

5. AFA received a statement from Josh Morris (JM), WWV Manager, who commented 'The AOB Striker was clearly the most animated and had to be separated from the referee on numerous occasions. There were clearly some words exchanged after the freekick was taken and the AOB Striker continued his quest in confronting the referee – this then resulted in the referee showing the player a red card. A few of my players had to get in the way at the end of the game to defuse the situation and ensure the referee was not harmed. I cannot hypothesise what would've happen if our players didn't stand between both referee and the AOB player, albeit said striker was clearly distressed and aggressive. The player was threatening a physical encounter with the referee, however it would be unfair to allege whether this was a empty threat, or a statement of intent'.

6. AFA received a statement from Matt Connor (MC), WWV Captain, who commented 'Towards the end of the game the referee gave a free kick to WWV which created uproar with the AOB team. In this moment the AOB team were very aggressive and confrontational with the referee. The striker in-particular was telling the referee that he was going to "beat him up" and was using abusive language. The striker then got sent off for his actions and needed to be refrained by the players on the field. He then walked off and was continuously shouting across the pitch telling the referee he was going to beat him up. Nothing came to this but it must've been intimidating for the referee.'

7. AFA received a statement from EJ who stated 'I lost my head at the end of the game and made some comments about the referee of which I now and at the time was apologetic for. After the game myself, the opposition and my team, all shook hands and left it on the pitch and left the issue behind us. After the game we were in the bar for at least 2/3 hours watching the Premier League games. As far as the referees claim, I did not attempt to attack him or anyone else after the final whistle. This is completely untrue off and the majority if not all of my teammates can vouch for me. Granted I admit I should not have called the referee any names however I certainly did not attempt or threaten to attack the ref'.

8. AFA received a statement from Dylan Barrett (DB), a spectator associated with AOB who stated 'Eric made a few remarks out of frustration, calling the ref a few names. He was shown red rightfully so; he went on the apologise for the outburst to the entire team during our warm down. Regarding the referee claims, **THIS DID NOT HAPPEN!** After the game, Eric **DID NOT** threaten or attack the ref! I vividly saw Eric and the WWV boys talk together as they shook hands squashing any other issues, literally leaving it all on the pitch and showing good sportsmanship. Eric went on to join AOB for the team talk and warm down, where he apologised for the red card. There was no threatening or attack on the ref or anyone!'

9. AFA received a statement from David Atkinson (DA), AOB player, who stated 'The game did without doubt reach a boiling point with about 30 seconds left when WWV were awarded a free kick on the edge of our box which again on another day may not have been given. As I was playing holding midfield and the foul was in the centre of the pitch, I was at the scene so to speak. There is no denying that tempers flared at the decision but I can categorically say that Eric did not threaten the referee in any way, shape or form'.

10. AFA received a statement from Dwayne Barrett (DwB), AOB captain, who stated 'In the midst of all of that, Eric called the referee "Stupid" and he decided to send him off – nothing we can do about that. What happened after the game – nothing unusual from what typically happens. We waved each other off, clapped each other off, shook hands and then I saw Eric and the rest of the players walk over into the club house and into the shower. I know that because I followed them after speaking to the team at the side-line'.

11. The foregoing is a summary of the principal submissions provided to the Commission. 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 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.

12. The burden of proof fell upon the LFA. The applicable standard of proof 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.

13. All the available evidence in this matter had been supplied in advance to the Commission and had been studied by in full.

14. The Commission found that, in light of the evidence provided, the charge was proven. 2 independent persons associated with WWV corroborate the Referee's version of events on the pitch in stating that EJ was aggressive and used threatening language towards the referee. The referee gives a very credible account of what happened during and after the game and has no obvious reason to fabricate a confrontation after the game, especially when there was already enough behaviour on the pitch witnessed by independent 3<sup>rd</sup> parties that would almost certainly see a charge of this nature made out by AFA. Regarding the 3 accounts from persons connected to AOB which corroborate EJ's denial, in the view of The Commission, the accounts are discredited by the fact that they deny, or make no mention of, any threatening language being adopted by EJ towards WG during the on pitch incident (when it seems abundantly clear that this did happen). The Commission assessed that the individuals submitting these accounts either possibly

did not see the behaviour exhibited by EJ after the game or, perhaps more likely, fabricated accounts to assist EJ with his denial. In summary, The Commission assessed that it was highly likely that EJ threatened WG on the pitch, and that it was probable that EJ threatened WG again on multiple occasions after the match.

15. After making a decision that the charge was proven, the Commission considered EJ's disciplinary record which showed no relevant incidents of misconduct.

16. In respect of the proven charge, the Commission referred to the FA Handbook, the FA's Disciplinary Regulations 2021/2022 and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision.

17. The Commission considered the nature of the improper conduct and noted that the behaviour of EJ was completely unacceptable for any participant. EJ had simply been carrying out his role to the best of his ability and found himself on the end of continued and prolonged threatening behaviour simply for making a decision or decisions that EJ disagreed with. The impact of EJ's behaviour caused a match referee to determine that he would no longer officiate matches. This is a serious aggravating factor along with the fact that there were multiple threats and a degree of premeditation for the incident at the end of the game. Had others not been present to restrain EJ it is not clear what would have happened.

18. The Commission determined that the following sanction be imposed in respect of the matter:-

- \* a total suspension for 175 days;

- \* a fine of £90

- \* 7 disciplinary penalty points;

- \* Requirement for EJ to undertake an online FA Equality Education Course before the time based suspension is served

19. There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

M. O'Brien (Chair) – 18<sup>th</sup> October 2021