



Football Association Disciplinary Commission

The Football Association on behalf of

Amateur Football Alliance

v

Sebastian Morally Case ID: 10801912M

WRITTEN REASONS

Factual Background and Chronology

1. These are the Reasons for the decision of the Disciplinary Commission which was heard by a One Person Commission at 09.30 on 25th May 2022.
2. The Commission member was Mr Michael Cloherty (National Serious Case Panel).
3. The following is a record of the main points which the Discipline Commission considered.
4. The charge in question arose following a game between Junction Elite FC (Junction) and Putney Pacers First FC (Putney) on 10th April 2022. Following the fixture a report was provided to Amateur Football Alliance and details of the allegation were contained within this report.
5. By letter dated 10th May 2022 Mr Sebastian Morally, a player for Junction, was charged with breach of FA Rule E3 – improper conduct against a match official (including threatening and/or abusive language/behaviour).

6. Mr Morally provided a reply denying the misconduct charge and requested that the matter be dealt with at a non-personal hearing .

7. **The Relevant FA Rules**

FA Rule E3 ; Improper Conduct against a match official

96.1 *Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.*

Penalty for breach of Rule E3; Improper conduct against a match official.

101.1 *suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days.*

101.2 *a fine of up to £100, with a mandatory minimum fine of £50.*

101.3 *an order that the Participant completes an education programme before the time-based suspension is served.*

The Evidence

8. The Commission had before them the following items to consider:
- (i) A typed report dated 11th April 2022 from Mr Ismail Hussein, referee for the fixture, who reported that after the game concluded he saw and heard Mr Morally, who was standing about 20 - 30 metres away, say '*if he comes to the side I'm going to bang him*' and '*if I see him again watch what I am going to do to him*' and the match official left in fear for his safety.
 - (ii) A second report from Mr Hussein dated the same day where he pointed out that Mr Morally was subject of a sin bin and a further report where he stated that he was alone when the comments were made.
 - (iii) An email timed at 10.09 on 13th April 2022 from a person identified as George and believed to be a player and official from Putney who was critical of the referee's performance and that he was subject of vociferous challenges. George outlined that he did not hear the reported words
 - (iv) An email timed at 17.29 on 11th April 2022 from Mr Aaron Stocker, manager for Junction, who reported that none of his players would threaten the match official.

- (v) An email timed at 12.39 on 6th May 2022 from Mr Sebastian Morally, who reported that he did not threaten the referee and he was of the opinion that he was the worst referee he had encountered.
- (vi) A typed statement dated 22nd May 2022 from Mr Morally who stated that he was sin binned in the 90th minute and he did not speak to the official nor did he speak about him and that both sides felt that the official was poor.

Decision

- 9. 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 a balance of probability.
- 10. The decision of the Commission was to find the charge, against Mr Morally, of FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) proven on the balance of probability.
- 11. The factors taken into consideration in reaching these conclusions were the following;
 - i. The referee provided credible evidence that Mr Morally made comments which were believed to be regarding the official.
 - ii. Mr Morally confirmed that he had been sin binned and he was believed, by the Commission, to be in an angry state and his ire was targeted towards the referee. In two submissions he continued to make comments towards the referee which indicated a continuing dislike of the official which added weight to the impression that the referee must have felt threatened during the time when Mr Morally made the comments.
 - iii. The words and behaviour were abusive and threatening.

Sanction

- 12. Having found the charges proven The Commission was able to consider mitigation.
- 13. The Commission was then advised of Mr Morally's previous misconduct record over the previous five years which showed he had a clear record.
- 14. Owing to the responses of Mr Morally there were no other mitigating factors.
- 15. There were no other aggravating factors.
- 16. The Commission referred to the Disciplinary Sanction Guidelines of the FA Handbook 2021/22 in arriving at its decision regarding sanction.

17. Having weighed up all of the factors, the penalty imposed by the Commission was as follows;

- i. Mr Sebastian Morally will be suspended from all football related activity for 112 days. Owing to the fact that no football will be played in the closed season of June and July 2022 an additional 61 days will be added to the sanction. The total suspension period is for 173 days.
- ii. Mr Sebastian Morally is fined the sum of £50.
- iii. Mr Sebastian Morally is ordered to complete an online education course prior to the end of his time based suspension. Failure to do so will result in a sine die suspension until the online course is completed.
- iv. Mr Sebastian Morally is warned as to his future conduct.
- v. Junction Elite FC is awarded 6 penalty points.

18. There is the right to appeal in accordance with the FA Regulations .

25th May 2022

Mr Michael Cloherty