

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Amateur Football Alliance and Middlesex Football Association

CORRESPONDENCE HEARING

of

AIDAN CAHILL

RUISLIP ATHLETIC

[Case ID: 11282124M]

and

AMIN BARAKZAI

KENSAL TOWN FC

[Case ID: 11282056M]

and

BRADLEY GILMANEY

KENSAL TOWN FC

[Case ID: 11278976M]

and

TIMOTHY TEIXEIRA

KENSAL TOWN FC

[Case ID: 11282057M]

and

KENSAL TOWN FC

[Case IDs: 11278974M and 11278975M]

and

RUISLIP ATHLETIC

[Case IDs: 11282126M and 11282127]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 19th May 2023, Kensal Town FC First (“the Club”) played a fixture against Ruislip Athletic (“Ruislip”) – collectively the “Match”.
2. The Match Referee, Mr Jake Martin, reported the conduct of Mr Bradley Gilmaney (“BG”) and Mr Amin Barakzai (“AB”) Club non playing participants and Mr Timothy Teixeira (“TT”) a Club player, Mr Aiden Cahill (“AC”) a Ruislip player, the Club and Ruislip.
3. The Amateur Football Alliance and Middlesex Football Association (“Amateur FA and Middlesex FA”) investigated the reported incidents.

The Charges

4. On 16th June 2023, Middlesex FA charged AC:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour) contrary to FA Rule E3.1. It is alleged that in an act of violent conduct and/or threatening and/or abusive language/behaviour that Aiden Cahill allegedly struck an opposition player whilst involved in a mass confrontation (“the 1st Charge”)
5. On 16th June 2023, Amateur FA charged AB:
 - 5.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including abusive language/behaviour) contrary to FA Rule E3.1. It is alleged that during the fixture Mr Barakzai used abusive and/or insulting words towards the Match Official by saying “you ruined the game you cunt” or similar after Mr Barakzai was being shown a red card by the Match Official (“the 2nd Charge”)
6. On 16th June 2023, Amateur FA charged BG:
 - 6.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) contrary to FA Rule E3.1. It is alleged that Bradley Gilmaney used threatening and/or abusive and/or indecent and/or insulting 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 Gilmaney used threatening language towards the match official by saying “I’ll meet you in the car park to beat you up” or similar and/or “I’ll be waiting by your car” or similar (“the 3rd Charge”)
7. On 16th June 2023, Amateur FA charged TT:
 - 7.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including abusive language/behaviour) contrary to FA Rule E3.1. It is alleged that during the fixture Mr Teixeira used abusive and/or insulting words towards the Match Official by saying “you’re a fucking pussy” or similar and/or “you cunt” or similar which resulted in him being shown a red card by the Match Official (“the 4th Charge”)
8. On 16th June 2023, Amateur FA charged the Club:
 - 8.1. with misconduct for a breach of FA Rule E20 – It is alleged that Kensal Town FC failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion whilst attending any match contrary to FA Rule E20.1. This refers to the allegation that during the match Kensal Town FC players and coaches were

involved in a mass confrontation with Ruislip Athletic players and/or spectators (“the 5th Charge”)

9. On 16th June 2023, Amateur FA charged the Club:

9.1. with misconduct for a breach of FA Rule E21 – It is alleged that Kensal Town FC failed to ensure that Spectators (and anyone purporting to be its supporters or followers), conducted themselves in an orderly fashion and refrained from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour contrary to FA Rule E21.1. This refers to the allegation that Kensal Town FC supporters were involved in a mass confrontation with Ruislip Athletic players and/or supporters (“the 6th Charge”)

10. On 16th June 2023, Middlesex FA charged Ruislip:

10.1. with misconduct for a breach of FA Rule E20 – It is alleged that Ruislip Athletic failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion whilst attending any match contrary to FA Rule E20.1. This refers to the allegation that during the match Ruislip Athletic players and coaches were involved in a mass confrontation with opposition players and/or spectators (“the 7th Charge”)

11. On 16th June 2023, Middlesex FA charged Ruislip:

11.1 with misconduct for a breach of FA Rule E21 – It is alleged that Ruislip Athletic failed to ensure that Spectators (and anyone purporting to be its supporters or followers), conducted themselves in an orderly fashion and refrained from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour contrary to FA Rule E21.1. This refers to the allegation that Ruislip Athletic FC supporters were involved in a mass confrontation with the opposition players and/or supporters (“the 8th Charge”)

12. The relevant section of FA Rule E3 states:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

13. Threatening Behaviour against Match Officials is defined, under *Offences Against Match Officials*, as:

“96.1 Threatening behaviour; words or actions 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 and object at the Match Official”.

14. In respect of the Club and Ruislip, the relevant section of FA Rule E20 states:

“E20 Each ...Club shall be responsible for ensuring that its directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match and do not:

E20.1 use any words or otherwise behave in a way which is improper, offensive, violent, threatening, threatening, abusive, indecent, insulting or provocative;

E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability...”

15. Further, in respect of the Club and Ruislip, the relevant section of FA Rule E21 states:

“E21 A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:

E21.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;

E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch;

E21.3 encroach on to the pitch or commit any form of pitch incursion;

E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

16. Amateur FA and Middlesex FA included with the charge letters the evidence that it intended to rely on in these cases which are being heard as a consolidated matter pursuant to Reg 13 of FA Disciplinary Regulations which provides that “where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked...The Association...shall have the power to consolidate proceedings so that they are conducted together..”.

17. AC was required to respond to his charge by 30th June 2023 and AB, BG, TT, the Club and Ruislip were required to respond to their respective charges by the same date.

The Reply

18. Neither AC, AB, BG, TT or the Club responded to their respective charges within the designated time. These fell to be determined in their absence at a Correspondence Hearing as if they had denied the same. On 26th June 2023, Ruislip responded to the 7th and 8th charges and admitted the same, requesting that they be dealt with in their absence at a Correspondence Hearing.

The Commission

19. The Football Association (“The FA”) appointed me, Karen Hall, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

The Hearing & Evidence

20. I adjudicated this case on 5th July 2023 as a Consolidated Correspondence Hearing (the “Hearing”).

21. I had received and read the bundle of documents prior to the Hearing.

22. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to these cases.
23. The Match Referee, Mr Jake Martin, provided a Report dated 20th May 2023 in which he states that in the 89th minute of the Match Ruislip scored their 3rd goal. The Club took issue with their celebrations, leaving their technical area and approaching the Ruislip technical area in an aggressive and confrontational manner. A mass confrontation then began which involved all players, substitutes and officials of both teams. During the mass confrontation a group of around 15 Club supporters entered the field of play and took part in the melee. A smaller group of spectators began throwing water bottles towards the Ruislip players. He was advised by his Assistant Referee and the 4th Official that AC had struck a Club player during the mass confrontation and he was dismissed by him. TT approached him and said "you're a fucking pussy, you cunt". He was shown a red card by Mr Martin. Mr Martin blew for full time and as he was making to leave BG said to him "I'll meet you in the car park to beat you up" and "I'll be waiting by your car". He would have shown him a red card but was fearful this would escalate the situation and compromise his safety.
24. Mr Martin provided a second Report dated 20th May 2023 in which he states that he dismissed AB in the 56th minute of the Match for deliberately leaving the technical area to show dissent towards or remonstrate with a match official. Having shown him t herd card, AB said "you've ruined the game, you cunt". This was in frustration at the dismissal of a Club player for violent conduct.
25. The Match Assistant Referee, Mr Daniel Maragh, provided Report dated 20th May 2023 in which he states that in the 89th minute of the Match after Ruislip had scored their 3rd goal a Club participant approached the Ruislip bench. AC on the Ruislip bench stood his ground as the two came head to head. This instigated a mass confrontation between both teams as benches and players got involved. Club spectators jumped on to the pitch to join the confrontation and water bottles were thrown from the Club bench area. He took up a position near the Referee to observe the incident. TT was shouting aggressively towards the Referee. Mr Maragh asked him to leave but he refused. A Club player who had been dismissed earlier also re-entered the field of play.
26. The Match Assistant Referee, Mr Rohan Chotai, provided a Report dated 20th May 2023 in which he states that after Ruislip had scored their 3rd goal he was monitoring their celebrations. He also noticed that the technical areas were "livening up" and he alerted the Referee to this. All officials took up a triangular position to monitor events. He noticed that there were some 30/40 people involved in a mass confrontation, including most of the Club players, some Ruislip players, official from both teams and a small group of Club players. He also observed TT enter the field of play and storm towards the Referee. He was close to both when he heard TT say "you're a fucking pussy, you cunt". to the Referee for which he received a red card. He also saw BG approach the Referee in what he describes as a threatening manner. He could not hear what was said.
27. Mr John Lewis, the Secretary to Harrow Sunday League, provided an email to Amateur FA dated 22nd May 2023 in which he states that in the 92nd minute of the Match both sets of supporters were involved in a mass confrontation which he describes as the scariest thing

he has seen in 27 years of being involved in adult football. He also provides a Statement dated 22nd May 2023 in which he states that after Ruislip scored their 3rd goal they celebrated “heavily”. Some of their players moved towards the Club bench. All of a sudden the Club bench moved towards the Ruislip bench and for about five minutes there was a confrontation between both sets of supporters with pushing and shoving. It was decided that the Cup presentation would not go ahead and across the tannoy everyone was asked to leave. He describes being fearful for his own safety.

28. The League Secretary provided a Statement dated 22nd May 2023 in which he states that after Ruislip scored their 3rd goal he saw the Club bench approach the Ruislip bench and crowds came on to the pitch towards the Ruislip bench.
29. Mr Carl Bower, Ruislip Manager, provided an undated Statement in which he states that there was a mass confrontation which occurred after the Club Manager approached the Ruislip bench with his middle finger raised. He states that the Ruislip players and officials responded to this but that they were not the instigators.
30. AC provided a Statement in response to the allegations in which he confirmed that the mass confrontation occurred after the Club Manager had approached the dug out with his middle finger raised, shouting and swearing. He confronted the Manager and there was “pushing and shoving” between them but he denies that he struck the Manager.
31. I have been provided with VEO footage which clearly shows a confrontation between the Club and Ruislip including players, officials and spectators.
32. That concluded relevant evidence in this case.

Standard of Proof

33. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

34. It was noted that neither BG, AC, AB, TT or the Club had responded to the charges within the appointed time. Each charge fell to be determined as if they had denied the same. Ruislip had accepted their charges and credit would therefore be given for the guilty pleas.
35. In response to the 1st Charge, AC denies that he struck the Club Manager, but accepts that there was pushing and shoving. The evidence is that the Referee was told by his Assistant and the 4th Official that AC had struck the Manager. This is evidenced further by the Assistant Referee. AC admits that there was “pushing and shoving” and I am mindful that the Referee was confident enough in the evidence of his Assistant and 4th Official to dismiss AC for this offence. In addition, AC has not denied the charge. Therefore, in respect of the 1st Charge of improper conduct (including violent conduct and threatening and/or abusive language/behaviour) the charge was PROVEN.
36. In respect of the 2nd Charge, AB did not respond to this. The undisputed evidence of the Match Referee is that AB said “you ruined the game you cunt” after he had shown him a red card. I therefore found that in respect of the 2nd Charge of improper conduct towards a Match Official (including abusive language/behaviour) the charge was PROVEN.

37. In respect of the 3rd Charge, BG did not respond to this. The Referee's evidence is undisputed in that BG said to him "I'll meet you in the car park to beat you up" or similar and/or "I'll be waiting by your car" and this caused him to be fearful for his safety. He did not issue a red card to BG for fear of escalating the situation further.
38. Regulation 96 states "*96.1 Threatening behaviour; words or actions 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 and object at the Match Official*".
39. The comment made caused the Referee to feel threatened and concerned for his safety. In accordance with the definition within Regulation 96, I therefore found that in respect of the 3rd Charge of improper conduct towards a Match Official (including threatening and/or abusive language/behaviour) the charge was PROVEN.
40. In respect of the 4th Charge, TT did not respond to this. The undisputed evidence of the Match Referee is that TT approached him and said "you're a fucking pussy, you cunt". The Assistant Referee states that TT was shouting aggressively at the Referee. I therefore found that in respect of the 4th Charge of improper conduct towards a Match Official (including abusive language/behaviour) the charge was PROVEN.
41. In respect the Club and the 5th Charge, I note the undisputed evidence of the Match Referee and his Assistant that the mass confrontation occurred and was started by the approach to Ruislip technical area by the Club and therefore I found the charge of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion, PROVEN.
42. In respect the Club and the 6th Charge, I note the undisputed evidence of the Match Referee and his Assistant that the mass confrontation occurred and was started by the approach to the Ruislip technical area by the Club and that their spectators then entered the field of play and joined in the melee. Therefore, on the evidence before the hearing in respect of the charge with misconduct for a breach of FA Rule E21 – Failed to ensure Spectators conducted themselves in an orderly fashion, in consideration of all of the evidence, I find the charge PROVEN.
43. In respect of Ruislip and the 7th Charge they had admitted the same and on the basis that liability was predetermined by the guilty plea, I found the charge of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion, PROVEN.
44. In respect of Ruislip and the 8th Charge, on the evidence before the Hearing and the guilty plea, in respect of the charge with misconduct for a breach of FA Rule E21 – Failed to ensure Spectators conducted themselves in an orderly fashion, the charge is admitted and in consideration of all of the undisputed evidence, I find the charge PROVEN.

Previous Disciplinary Record

45. After finding the charges proven, I sought the participants offence histories. I note that AC has no previous misconduct charges in the preceding five years. I note that AB has no previous misconduct charges in the preceding five years. I note that BG previous misconduct charges for Improper Conduct (including foul and abusive language) in August

2022 and September 2021. There are also suspensions for Violent Conduct in February 2023 and September 2021 as well as Serious Foul Play in October 2022. I note that TT has no previous misconduct charges in the preceding five years. I note that the Club has previous proven misconduct charges in respect of a breach of FA Rule E20 in January 2022 and January 2023. I note that Ruislip has proven misconduct charges in respect of a breach of E20 in

Mitigation

46. There is no mitigation within the bundle from BG, AC, AB, TT, the Club or Ruislip.

The Sanction

47. In respect of AC and the 1st Charge, the relevant FA Disciplinary Regulations on sanction states that in respect of this charge a sanction of a suspension from all football activities for a period of between 1 and 10 matches with a fine of up to £125.00.
48. I note that AC responded to the approach from the opposition Manager, but that nevertheless his response was unnecessary and disproportionate. The sanction is mitigated by his previous, good disciplinary record.
49. After taking into consideration all the circumstances in this case, Mr Aidan Cahill is:
- a. to serve an immediate suspension from all football and football activities for 4 (four) matches;
 - b. fined a sum of £80 (eighty pounds); *and*
 - c. 6 (six) Club Disciplinary Points to be added
50. In respect of AB and the 2nd Charge, the relevant FA Disciplinary Regulations on sanction states that in respect of this charge a sanction of a suspension from all football activities for a period of between 1 and 6 matches with a fine of up to £70.00.
51. I note that AB approached the Referee after the dismissal of one of his players. His language was uncalled for. The sanction is mitigated by his previous, good disciplinary record.
52. After taking into consideration all the circumstances in this case, Mr Amein Barakzai is:
- a. to serve an immediate suspension from all football and football activities for 2 (two) matches; *and*
 - b. fined a sum of £35 (thirty five pounds);
53. In respect of BG and the 3rd Charge, the relevant FA Disciplinary Regulations on sanction (Regulation 101.7.1) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 56 days and 182 days. There shall also be an order that the participant completes an education programme before the time based suspension is served.
54. Regulation 102 provides factors to be considered when determining sanction. In that regard I note that BG's conduct caused the Referee to feel threatened to the extent that he felt unable to issue him with a red card. No apology or remorse is shown. I note the prior disciplinary record which I also found to be a significant aggravating factor.
55. After taking into consideration all the circumstances in this case, Mr Bradley Gilmaney is:

- a. to serve an immediate suspension from all football and football activities for 182 (one hundred and eightytwo) days;
 - b. fined a sum of £100 (one hundred pounds);
 - c. to satisfactorily complete an online mandatory education programme before the time-based suspension is served, or Mr Gilmaney be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him.
56. In respect of TT and the 4th Charge, the relevant FA Disciplinary Regulations on sanction states that in respect of this charge a sanction of a suspension from all football activities for a period of between 1 and 6 matches with a fine of up to £70.00.
57. I note that TT approached the Referee during the mass confrontation. His language was uncalled for. The sanction is mitigated by his previous good disciplinary record.
58. After taking into consideration all the circumstances in this case, Mr Timothy Teixeira is:
 - a. to serve an immediate suspension from all football and football activities for 3 (three) matches;
 - b. fined a sum of £50 (fifty pounds); *and*
 - c. 6 (six) Club Disciplinary Points to be added
59. In respect of the Club and the 5th Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E20.1 is a fine between £0 - £300.
60. After taking into consideration all the circumstances in this case, in particular the fact that the Club players and/or officials were responsible for the commencement of the mass confrontation which led to the abandonment of a Cup final trophy presentation but noting the previous good disciplinary record with slightly mitigated the sanction, the Club is:
 - a. fined a sum of £175 (one hundred and seventy five pounds);
61. In respect of the Club and the 6th Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E21.1 is a fine between £0 - £300.
62. After taking into consideration all circumstances in this case, in particular the fact that the Club spectators were throwing water bottles at the Ruislip players, the Club is:
 - a. fined a further sum of £75 (seventy five pounds);
63. In respect of Ruislip and the 7th Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E20.1 is a fine between £0 - £300.
64. After taking into consideration all the circumstances in this case, in particular the fact that the Ruislip players and/or officials responded to the aggression shown by the Club players/ and/or officials, mitigated by the early guilty plea and the previous offence history, Ruislip is:
 - a. fined a sum of £70 (seventy pounds);
65. In respect of Ruislip and the 8th Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E21.1 is a fine between £0 - £300.

66. After taking into consideration all circumstances in this case, in particular the fact that the Ruislip were responding to the Club spectators entering the field of play, mitigated by the early guilty plea, Ruislip is:

a. fined a further sum of £50 (fifty pounds);

67. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Karen Hall F.C.Inst.L.Ex (Chairman)

5th July 2023