

FA NATIONAL SERIOUS CASE PANEL  
DISCIPLINARY COMMISSION  
CHAIRMAN SITTING ALONE  
*on behalf of Amateur Football Alliance*

CORRESPONDENCE HEARING

*of*

**BRUCE STRINGER**

**OLD WILSONIANS SIXTH**

[Case ID:11049078M]

*and*

**OLD WILSONIANS SIXTH**

[Case ID:11005861M]

THE DECISION AND REASONS OF THE COMMISSION

## Introduction

1. On 12<sup>th</sup> November 2022, Old Wilsonians Sixth (“the “Club”) played a fixture against Old Meadonians Sixth (“Meadonians”) – collectively the “Match”.
2. The Match Official, Mr Nathan Nicholson, reported the conduct of Mr Bruce Stringer (“BS”) and Meadonians reported the conduct of the Club.
3. The Amateur Football Alliance (“Amateur FA”) investigated the reported incidents.

## The Charges

4. On 16<sup>th</sup> December 2022, Amateur FA charged BS:
  - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language)  
  
and/or
  - 4.2. with misconduct for a breach of FA Rule E3 - Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability in that it is alleged that Bruce Stringer used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to sexual orientation. This refers to the comment(s) “gone down like a faggot” or similar.
5. On 16<sup>th</sup> December 2022, Amateur FA charged the Club:
  - 5.1. with misconduct for a breach of FA Rule E20 – It is alleged that Bedwell Rangers Youth failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E20. This refers to the allegation that players from Old Wilsonians Sixth team verbally abused and/or swore at the Match Official calling him a “fucking cheat” or similar, and/or a “cheating cunt” or similar, and/or “fucking sad little man” or similar, and/or “you were shit” or similar. And/or it is also alleged that member(s) of Old Wilsonians Sixth team threw objects at the Match Referee or similar and/or the manager of Old Wilsonians Sixth team entered the field of play without permission to remonstrate with the Match Referee.

6. 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.”*

7. 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...”

8. Amateur 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..”.
9. BS was required to respond to his charges by 30<sup>th</sup> December 2022 and the Club were also required to respond to their charge by 30<sup>th</sup> December 2022.

### **The Reply**

10. On 30<sup>th</sup> December 2022 BS responded to his charges online via the Whole Game system, denying the same and he requested that they be dealt with in his absence at a Correspondence Hearing. On 30<sup>th</sup> December 2022 the Club responded to their charge online via the Whole Game system, denying the same and they requested that it be dealt with in their absence at a Correspondence Hearing.

### **The Commission**

11. 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**

12. I adjudicated this case on 4<sup>th</sup> January 2023 as a Correspondence Hearing (the “Hearing”).
13. I had received and read the bundles of documents prior to the Hearing.
14. 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.
15. The Referee, Mr Nathan Nicholson, submitted a Report dated 12<sup>th</sup> November 2022 in which he stated that during the Match every decision was challenged by the Club and there was openly hostile dissent. After the final whistle he states that he was sworn at and called a cheat and had a water bottle thrown at him. He goes on to say that during the first half the Club Manager had walked on to the pitch to challenge him about a decision and after the Match he felt threatened and abused. He states that two Club players were sin binned for dissent.
16. In response to further questions posed by Amateur FA, Mr Nicholson stated that the Club players called him a “f\*\*\*ing cheat” and after the Match comments such as “Cheating c\*\*t”, “f\*\*\*ing sad little man” and “you don’t know the rules/you were sh!t” were made towards him. As he walked away the water bottle was thrown and he heard the Club Manager say “leave it lads”. He goes on to say that he felt threatened because he had to walk past Club players who he felt were waiting angrily to confront him with some clapping sarcastically. Mr Nicholson makes

reference to a homophobic comment being reported to him but he confirms that he did not hear this himself.

17. Mr Chris Gooden, Meadonians Captain provided a Statement dated 15<sup>th</sup> November 2022 in which he states that during the Match the Referee was frequently given abuse and was questioned regarding every decision he made. He states that he heard the Referee being called a cheat. Mid way through the 1<sup>st</sup> half a Meadonian player fouled a Club player and injured himself. He was subbed off and he reported to Mr Gooden that the Club player had called him a “faggot”. He reported this to the Referee at half time but was advised that the Referee had not heard it. Mr Gooden states that he could see comments being made to the Referee after the Match by the Club and these did not look nice. He did not hear what was said however.
18. Mr Yasin Bajja, a Meadonians player provided a Statement dated 15<sup>th</sup> November 2022 in which he states that he committed a foul on the Club number 12 who wasn't happy with the challenge. He (BS) called him a “fucking idiot” and said that he had “gone down like a faggot”. Mr Bajja reported this comment to his manager who in turn reported it to the Referee.
19. In addition I have been provided with an email from “Zac” whom I understand is a Meadonians player. Within his email he states that all he saw was after the Match the Referee was verbally abused by the Club and that on his departure a Club player threw a can at him.
20. BS provided a Statement dated 19<sup>th</sup> November 2022 in which he comments on the Referees performance and decision making. He states that he didn't see anyone throw anything and that the Club did not abuse the Referee through the Match, they merely asked for rational for his decisions. He goes on to say that the Referees “disparaging remark at the end of the Match did get a response – it was that he should leave and not exacerbate the situation.
21. I have also seen and noted the comments of Mr Jamie Parkinson from the Club. I note that he was not in attendance at the Match but he has provided his thoughts on the conduct of the Club players.
22. Mr Nick Mole, the Club Manager provided a Statement dated 15<sup>th</sup> November 2022 in which he states that there was an increasing degree of frustration regarding the Referees performance. He also states that the Referee physically moved a Club player and told him that he was sin binned. He goes on to say that the Referee goaded them as he left the Match having made a bee-line for them once the same had finished.
23. Mr Sajan Phakey provided a Statement dated 14<sup>th</sup> November 2022 in which he offers his opinion of the Referees performance and decision making.
24. That concluded relevant evidence in this case.

### **Standard of Proof**

25. 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**

26. Both BS and the Club had denied the charges.
27. In response to questions posed to ascertain the identity of BS, he responded to the accusation by stating that he was shocked and disappointed that anyone would accuse him of using disrespectful language. He categorically denies the use of the language alleged.

28. In respect of BS, the evidence before the Hearing is uncorroborated. It is Mr Bajjis word against BS'. No one else has provided evidence to confirm they heard what is alleged to have been said. I have to be more satisfied than not that this language was used and on the basis of the uncorroborated evidence above, in respect of BS and the charges of with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language) and/or misconduct for a breach of FA Rule E3 - Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability in that it is alleged that Bruce Stringer used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to sexual orientation, I found the charges NOT PROVEN.
29. In respect of the Club charge, I note Mr Goodens evidence is that he heard the Referee being accused of cheating, but he did not hear any of the other comments alleged to have been made. The Referee states that a water bottle was thrown at him, whereas "Zac" says he saw a can being thrown. There is no evidence to corroborate the comments made towards the Referee, in fact the Club categorically deny them although they do accept that there was some friction with the Match Official so I find that it was likely that something was said between the Club and Mr Nicholson. I have to be more satisfied than not that the comments in the charge were said. On the evidence before the Hearing I can not be so satisfied and therefore, in respect of the Club charge with misconduct for a breach of FA Rule E20 where it is alleged that the Club failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E20 upon consideration of all of the evidence, I find the charge NOT PROVEN.
30. 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)

4<sup>th</sup> January 2023