

NATIONAL COUNTY FOOTBALL ASSOCIATION

SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

On behalf of Berks and Bucks County Football Association

Non-Personal Hearing

of

Alfred Murja [64529928]

Case ID: 10121991M

THE DECISION AND REASONS OF THE COMMISSION

Introduction/Background

1. On 26 January 2020, Berkshire Dons FC (“Berkshire Dons”) played Junction United Mens (“Junction United”) in the Reading and District Sunday League, Division Three, (collectively the “match”).
2. On 26 January 2020, an extraordinary incident report form was submitted to Berks and Bucks County Football Association (“Berks & Bucks FA”) by the match official alleging misconduct by Alfred Murja (“the participant”), a player with Berkshire Dons. Berks & Bucks FA investigated the allegation.

The Charge

3. On 27 January 2020, Berks & Bucks FA charged the participant with Misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official, including physical contact and threatening and/or abusive language/behaviour.
4. The FA Rules of the Association, contained in The FA Handbook Season 2019-2020 p115, Rule E3 states:
(1) A Participant shall at all times act in the best interests 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.
5. The FA Rules of the Association, contained in The FA Handbook Season 2019-2020 at p182 define physical contact or attempted physical contact as (but not limited to):
Pushing or pulling the Match official (or their clothing or equipment), barging or kicking the ball at the Match Official (causing no injury) and/or attempting to make physical contact with the Match Official (for

example attempting to strike, kick, butt, barge or kick the ball at the Match Official).

The Allegation

6. It was alleged that the participant made physical contact against the Match Official and that the participant's actions constituted a breach of FA Rule E3.

The Reply

7. On 27 January 2020, the participant responded via the Whole Game System to Berks & Bucks FA Discipline Team, indicating that he denied the charge and requested the matter to be dealt with at a non-personal correspondence hearing.

The Commission

8. This case was determined by the Football Association ("The FA") as suitable to be dealt with by a Chair from the National CFA Serious Case Panel, sitting in alone, acting in accordance with the guidance issued. Accordingly, the FA appointed the following National Panel Member: Loraine Ladlow (Chair).

9. The Role of the Chair is to determine the participants liability and decide sanction. In this case the Chair, having considered all the documents provided, determined that this case was not unduly complex and agreed that the matter could be dealt with by her sitting alone as the Commission.

Documents Received

10. The Commission had received and read the bundle of documents prior to the hearing, which included:

County FA Evidence

- (i) Misconduct Charge Notification dated 27 January 2020;
- (ii) Extraordinary Incident Report Form from Peter Hiit, the referee, dated 26 Jan 2020;
- (iii) Email from David Marshall, League Secretary of RDSFL, attaching email statement from Carl Reid, dated 26 Jan 2020;

Participant charged Evidence

- (iv) A screenshot of a text message from an unidentified party, believed to be from Berkshire Dons, undated;
- (v) Screenshot of Whole Game System, dated 27 Jan 2020, confirming the charge was denied.

The Hearing.

11. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, or to all the statements and information provided, 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 it determined the matter. For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished in this case.

12. The Commission having considered all the evidence, had regard to the following:

- (a) The Referee stated that after 47 minutes there was an incident whereby a Berkshire Dons player pulled the hair of an opponent, following which and the majority of players from both teams got involved, pushing and shoving. He stated that he managed to restore calm and cautioned a player, Max Muti (who he identifies in his report by the full name of Alfred Murja, the participant) and showed him a red card for his second caution. The participant then grabbed hold of him with both hands and swung him around in an aggressive manner and let him go quickly. The referee informed both teams the game was abandoned as he felt he had been assaulted.
- (b) Carl Reid stated that he witnessed a Berkshire Dons player be sent off and hit the referee, after which the referee abandoned the match.
- (c) A screenshot of a text, possibly sent from Berkshire Dons club, stated that the participant was wrongly booked as he was not

responsible for committing the offence and therefore did not deserve to be booked for the second time. It stated that the participant approached the referee in a calm and polite manner, but the referee did not want to listen to what he had to say. At which point the participant put his hand on the referee's arm only to get his attention. There was no push or grab on the referee and most certainly no swinging around as described. It further stated that the referee did not give the club a chance to manage the situation, but straight away abandoned the match. They also stated there was no intended assault.

- (d) The Commission find that, based on the evidence before it, the participant deliberately grabbed the referee, that he did so whilst in a heightened state and that the physical contact was of sufficient seriousness that it led directly to the abandonment of the match.

Burden and Standard of Proof

13. The burden of proof rests with the County FA. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. In simple terms, this means that the Commission has to be satisfied, on the evidence, that it was more likely than not that an event occurred.

Findings of Fact

14. The Commission having found the following:

- (a) The referee was clear in his evidence that the participant had grabbed him with both hands and swung him around. He was sufficiently concerned by the incident and the behaviour of the participant that he made the decision to abandon the match.
- (b) There had been a volatile situation just moments before, which the referee had dealt with and calmed down. However, it was likely that tensions were still running high. The Commission therefore find it unlikely the participant was calm when he approached by the referee, as asserted. The text message stated that the participant did not deserve to be booked. The Commission find it more likely

that the participant was aggrieved by this and therefore this is inconsistent with the assertion he was calm.

- (c) Carl Reid, who appears to be an independent witness, was sufficiently concerned by what he witnessed that, following the match, of his volition, he contacted the league secretary to report what he had seen.
- (d) Whilst his evidence does not completely accord with that of the referee, he is clear that he witnessed a Berkshire Dons player (the participant), being sent off and that this player then hit the referee. His evidence corroborates the referee in that he is clear the participant came into physical contact with the referee and that following this incident the referee abandoned the match. The Commission find his evidence to be reliable and consistent in part, with the referee.
- (e) The text message believed to be from Berkshire Dons, accepts that the participant came into physical contact with the referee, placing one hand onto his arm to get his attention, which corroborates, in part the evidence of the referee and Carl Reid. However, it denies any physical assault which inconsistent with the evidence of the referee and Carl Reid. It is unclear who has provided this evidence and the Commission find it inconsistent and less reliable than other evidence considered.
- (f) There is no further evidence from or on behalf of the participant.

Decision

15. The Commission found the participant did physical contact against the Match Official and that therefore the charge was PROVEN.

Previous Disciplinary Record

16. The Commission, having found the charge proved, sought the participant's previous disciplinary record and noted that he had a clean record with no other misconduct charges.

The Sanction

17. The Commission considered the Football Association Sanction Guidelines and noted that for an offence of physical contact or attempted physical contact the recommended sanction is 182 days

suspension from all football activities, plus up to £150 fine, with a mandatory minimum suspension of 112 days. The sanction was dependent on the Commissions assessment of the case, including the aggravating and mitigating features present, as to whether the Commission considered the case to be low, medium or high.

18. Having regard to the aggravating features, the Commission found that the physical contact with the referee was deliberate and led directly to the abandonment of the match. It also found that whilst there is no evidence to suggest that injury was sustained, the physical contact was serious in nature and unacceptable behaviour.

19. The Commission noted that the participant had a clean disciplinary record. However, no statement or mitigation had been provided by the participant for the commission to consider.

20. After taking all the aggravating and mitigating factors present, the Commission assessed the charges and imposed the following sanctions:

- (1) A fine of £150.00;
- (2) A 182-day suspension from all football activities;
- (3) 10 Club Disciplinary Points to be recorded

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

Signed

Lorraine Ladlow

7 February 2020