

**Disciplinary Commission (“The Commission”)
On behalf of Berks & Bucks Association (B&BFA)**

In the matter of

Mr. Ryan THRUSSELL - Case ID: 10174636M

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 Wednesday 1st April 2020. It formed part of consolidated proceedings.

2. B&BFA had raised a charge against Mr. Ryan Thrusell as follows:-

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

That charge was further detailed as:-

“Details: E3G – Ryan Thrusell is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that the individual had made alleged physical contact against the Match Official in addition to using threatening and/or abusive language and/or behaviour...”

The charge had been raised following alleged misconduct by Mr. Thrusell, a player with Bletchley Park Mens - Sunday Kingfisher (Bletchley), at the end of the match between Bletchley and Lokomotiv MK Loko (Lokomotiv) played on Sunday 8th March 2020 in the Milton Keynes Sunday League, Division Two.

3. B&BFA had also raised a charge against Mr. James Atherton (under case ID; 10174632M) as follows:-

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

That charge was further detailed as:-

“Details: E3E – James Atherton is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that his language/behaviour towards the Match Official was threatening and/or abusive...”

4. B&BFA received a misconduct report from the match referee, Mr. Ian Huckle, in which he stated, *“After the final whistle and pre leaving the field of play I cautioned a Bletchley Park player, James Atherton for dissent. After being cautioned he shouted*

directly at me "You're lucky I don't bang you out." I prepared to show him a second yellow card, when another Bletchley player, Ryan Thrussell confronted me and deliberately barged into me in an aggressive manner. I showed him a second yellow card and sent him off." (sic)

5. As a result of that misconduct report B&BFA undertook an investigation, during which it sought further information from Mr. Huckle.
6. In his response Mr. Huckle said, "*...The barge was torso to torso. Not sufficient force to knock me over but did mean I took a step backwards. I've suffered no injury from it either.*"
7. At the conclusion of the investigation the charges referred to in paragraphs 2 and 3 above was raised by B&BFA on 10th March 2020. Due to the nature of the alleged breach Mr. Thrussell was made the subject of an Interim Suspension Order with effect from 10th March 2020.
8. No response had been received by B&BFA from Mr. Thrussell by the deadline given, 17th March 2020, nor by Mr. Atherton by the deadline given to him (24th March 2020). In failing to respond by the required dates, and by virtue of paragraph 108 of Section Three to Part D of the FA's Disciplinary Regulations 2019/2020 (page 184 of The FA Handbook 2019/20), each of them had forfeited his right to a personal hearing or make a plea in mitigation. Therefore each of the matters was considered as a "not guilty" plea having been entered and determined via a correspondence hearing and on the evidence available.
9. On 27th March B&BFA did contact Mr. Robert Simpson, Bletchley secretary, to advise that the matters would be dealt with as correspondence hearings, whilst asking if he wished to submit any response for consideration by the Commission.
10. A response was received from a Mr. Lewis Pierrepont who stated, "*I gave the players the deadline to put their cases forward, and they haven't responded to me...So I will take that as them not wishing to add anything. After speaking to them, they advised me that the report is pretty accurate, up to the point that it doesn't included why Ryan Thrussell was in that position in the first place. He got himself between James Atherton and the referee to diffuse the situation, and ended up moving the referee away in the same way that he did his own teammate. Whilst this is obviously not acceptable, it wasn't done with any sinister intentions. Ultimately, there is no dispute that the behaviour was poor...*"

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 is on the County. 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. After considering all the available evidence the Commission determined on the balance of probabilities that the charge raised against Mr. Thrussell had been proven.
14. In coming to that decision the Commission found that:-
 - the referee, Mr. Huckle, was clear as to Mr. Thrussell's actions in making physical contact with him;
 - on Mr. Thrussell's behalf Mr. Pierrepont stated that he "*...ended up moving the referee away in the same way he did his own teammate...*";
 - there was no evidence which contradicted Mr. Huckle's version of the events;
 - Mr. Thrussell had not personally made any response to the charge raised against him.
15. Mr. Thrussell's disciplinary record over the last 5 years was then considered.
16. Reference was then made to paragraphs 96, 101 and 102 of Part D, Section Three of the FA's Disciplinary Regulations 2019/2020 and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It was noted that the recommended sanction was 182 days suspension from all football and football activity and a fine of up to £150, with a mandatory minimum sanction of 84 days suspension and a fine of £100.
17. The Commission considered if there were any mitigating or additional aggravating factors in respect of the matter. It found no mitigating factors. The Commission did note that Mr. Thrussell had received an interim suspension order with effect from 10th March. Due to the circumstances of the incident the Commission determined it was not appropriate to impose a sporting sanction below that recommended.

18. It was determined that the following sanction be imposed on Mr. Thrussell in respect of the matter:-

- a suspension for a period of 182 days from all football and football activity. The 182 days sporting sanction will come into effect at such time as the current suspension by the FA of all football due to the coronavirus pandemic is lifted;
- a fine of £125;
- 8 disciplinary penalty points;

19. After considering all the available evidence the Commission determined on the balance of probabilities that the charge raised against Mr. Atherton had been proven.

20. Mr. Atherton's disciplinary record over the last 5 years was then considered.

21. Reference was then made to paragraphs 96, 101 and 102 of Part D, Section Three of the FA's Disciplinary Regulations 2019/2020 and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It was noted that the recommended sanction was 112 days/12 matches suspension from all football and football activity and a fine of up to £100, with a mandatory minimum sanction of 56 days/6 matches suspension and a fine of £50.

22. The Commission considered if there were any mitigating or additional aggravating factors in respect of the matter. It found no mitigating factors. It found Mr. Atherton's disciplinary record to be an aggravating factor.

23. It was determined that the following sanction be imposed in respect of the matter concerning Mr. Atherton:-

- a suspension for a period of 112 days from all football and football activity. The 112 days sporting sanction will come into effect at such time as the current suspension by the FA of all football due to the coronavirus pandemic is lifted;
- a fine of £80;
- 7 disciplinary penalty points.

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

T. Edwards, Chairman

1st April 2020