

**Football Association Disciplinary Commission on behalf of
Berks and Bucks FA**

**In the matter of a Misconduct Charge against
Matthew Durden of Hambledon SSC**

Reasons for Disciplinary Commission Decision 20 January 2021

1. The Disciplinary Commission, which was appointed by the Football Association, was formed by Roger Burden (Chair), acting alone. Katrina Caraska of the FA acted as Secretary, supplying the appropriate documentation.
2. Matthew Durden was charged under FA Rule E3 – Improper conduct against a Match Official (including physical contact and threatening and/or abusive language/ behaviour).
3. The charge arose after a match in a Two High Wycombe Sunday Football Combination played on 13 December 2020, when the Referee reported that Matthew Durden had kicked the ball at him.
4. Mr Durden denied the charge and requested that the matter be dealt with by way of correspondence.
5. I have summarised the submissions, however, the absence of any particular point does not imply that I did not consider it. I carefully considered all the correspondence submitted.
6. Submissions on behalf of the County FA
 - The Match Referee, John Hurst, submitted a report in which he stated that, after the final whistle, and after he had dealt with previous misconduct (see report below) he became aware that Mr Durden was running towards him and when Mr Durden reached the match ball, which was approximately 8 metres from Mr Hurst, Mr Durden kicked the ball with force in Mr Hurst's direction. Mr Hurst said that there was no doubt in his mind that Mr Durden was aiming the ball at him with intent to hit him. He said that he did not approach Mr Durden for fear of provoking further action but informed others around him that he would be reporting the incident.

- A second report from the Match Referee in which he said that, after the final whistle, he had shown Mr Durden a yellow card, followed by a red card because Mr Durden had jogged away from him, refusing to give his name for the first yellow card. (I have not assessed the validity of this report and assume that it will be dealt with by the County FA).
- A note from Eliot Ryan responding to a request from Chris Penny of the County FA. Mr Penny's request included the comment the referee from the above match had reported an incident after the match involving a Hambledon player allegedly kicking a match ball at the referee".
In response, Mr Ryan said "Tbf I saw it, the player had just been sent off by the referee, the same player their captain then deliberately kicked the ball at the referee".

7. Submissions on behalf of Matthew Durden

- A note from Jim Clark of Hambledon, in which he described the incident leading up to the red card. He said he then walked over to the referee to give him his flag. He asked the referee why he had given a red card and then a ball was kicked but came nowhere near him or the ref.
- A note from Baillie Milne in which he was critical of the referee's performance and with Mr Durden's red card. He said that Matt kicked the ball in anger and with some force but it came in the direction of Mr Milne, who was standing about 10 metres away from the referee.
- A note from Matthew Durden in which he described the altercation between himself and the referee which led to the red card. He said that the referee had shouted "give me my ball back" so Mr Durden dropped kicked the ball back towards the referee. He said the ball was not in close proximity to the referee and was stopped by a team member who was about 5 yards from the referee.

8. Assessing the Evidence

- For such an allegation, I would have expected more detail from the referee regarding where the ball went, how close to him it was, whether it was intercepted, etc. Without this detail, it is difficult for me to verify the referee's assertion that the ball was aimed at him with intent to hit him.

- There is a witness statement supporting the referee, but I note that this does little more than repeat back the prompt that was received from the County FA, such prompting of witnesses is best avoided and, again, the witness says nothing about what actually happened to the ball.
- The submissions from, and behalf of, Mr Durden, lack some consistency but all make the point that the ball was not kicked at, or particularly near to, the referee. This important detail was not mentioned or contradicted by the referee's report, or that of the witness.

9. Decision

- The standard of proof required for these matters is the balance of probability. This means that a Commission has to be satisfied that, on the evidence, it was more likely than not that Mr Durden kicked the ball directly at the referee with force and with the intention of hitting him.
- I find that the standard has not been met and I find the charge not proven.

Roger Burden

Commission Chair

20 January 2021