

DORSET COUNTY FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION

PERSONAL HEARING

of

Mr Joe Wood
Sturminster Marshall Football Club

THE DECISION & REASONS OF THE COMMISSION

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Introduction

1. On 20th October 2018, Sturminster Marshall FC (the “Club”) ‘First’ team played a Dorset Football League Division 1, home fixture against Stalbridge FC ‘First’ team (collectively the “match”).
2. The Match Referee, Mr Anthony Wooldridge (the “Referee”), reported incidents involving Mr Joe Wood, a player for Sturminster Marshall FC.

Charges

3. On 29th October 2018, Dorset County Football Association (“DCFA”) charged Mr Joe Wood with two counts of misconduct for breaches of FA Rule E3.

Charge 1 - Improper Conduct against a Match Official (*including abusive language/behaviour*).

Charge 2 - Improper Conduct against a Match Official (*including threatening and/or abusive behaviour*).

4. **Charge 1** - It was alleged that following dismissal from the field-of-play, Mr Wood changed and returned to pitch-side to watch the remainder of the match, at this point Mr Wood shouted that a decision made by the Referee was ‘*bloody bollocks*’.

Charge 2 - It was further alleged that whilst dealing with the above the Referee informed Mr Wood that his language was disgusting, to which Mr Wood replied ‘*so is your face. I’m gonna fuck you up*’.

5. The relevant section of FA Rule E3 (p. 113 of the FA Handbook Season 2018-2019) states:

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 combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

6. The DCFA included with the charge letter the following:

- (a) the Referee's Report
- (b) an amendment from the Referee, clarifying the alleged words used in relationship to Charge 1
- (c) a written letter from the Club Secretary informing that Mr Wood will be bringing a Mr Aaron Stacey as a witness
- (d) a statement from Mr Humphreys (Club Chairman)

The above documents had been received and read by the Panel members prior to the Commission date.

Reply

7. Via the usual pro forma Mr Wood pleaded not guilty to both Charges and requested a Personal Hearing.

No written submission was received from Mr Wood.

Commission

8. The following members were appointed by the DCFA to this Disciplinary Commission (the "Commission"):

Mr Geoff Theobald (*Chairman*)

Mr Stephen Pike

Mr Alan Cross (*Independent*)

9. Mr Peter Hough, Disciplinary Manager of the DCFA, acted as Secretary to the Commission.

Burden and Standard of Proof

10. In this instance the Burden of Proof is on the County. The applicable standard of proof is the civil standard of 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. Therefore, if the evidence is such that the Commission can say ‘we find it more probable than not’ the burden is discharged, but if the probabilities are equal it is not.

Hearing & Evidence

11. The Commission convened at 7.00pm on 19th December 2018 for this Personal Hearing.
12. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission into consideration when members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
13. The Referee’s report detailed one incident when Mr Wood had used foul or abusive language towards him. It also detailed a further incident when Mr Wood used threatening or abusive behaviour towards him.
14. The Referee was in attendance as a witness for the DCFA, and in answer to questions from Mr Wood and the Commission he stated that he was approximately 25 yards from Mr Wood when the incidents took place. He stated that, although there was a lot of shouting and swearing going on at the time, he was 100% that the words ‘*that’s fucking bollocks*’ and ‘*so is your face, I’m going to fuck you up*’ were said by Mr Wood.

15. Mr Wood, when presenting his case, stated that it was not him that shouted the words '*that's fucking bollocks*'. It was in fact the Club Manager, Mr Adam Tong.

He also denied shouting the words '*I'm going to fuck you up*' at the Referee, stating that he was stood with his girlfriend and her mother.

When questioned by the Commission Mr Wood continued to deny that he had shouted the words quoted in the Referee's report, and that he never threatened the Referee.

When it was put to Mr Wood that his Club Chairman had, in his statement, stated that he had actually shouted '*that's fucking bollocks*' at the Referee, he continued to deny this, stating that it was Mr Tong that had shouted these words.

However, when further questioned Mr Wood did agree that he was angry at some of the decisions made by the Referee, and confirmed that he did say to the Referee '*so is your face*' after being told by the Referee that his behaviour was disgusting. He also confirmed that he did swear at the Referee on a number of occasions.

16. Mr Adam Tong (witness for Mr Wood) when questioned by Mr Wood and the Commission confirmed that he was the person that shouted '*that's fucking bollocks*'. He also stated that Mr Wood had not shouted '*I'm going to fuck you up*', and that Mr Wood had not been restrained from entering the field-of-play. Mr Tong told the Commission that he was approximately 100 yards away from the incident; this was revised to approximately 25-30 yards when queried by Mr Wood.

17. Mr Wood summed up his case, and agreed that he had had a fair hearing, and that all the evidence had been presented.

Findings

18. By the admission of Mr Wood in paragraph 15 above the Commission unanimously agreed that **Charge 1** was proved.

19. After much discussion the Commission unanimously agreed, that with the amount of shouting and swearing going on around the incident it was unable, using the balance of probability standard, to conclude that the threatening words had been shouted by Mr Wood, therefore **Charge 2** was not proven.

Previous Disciplinary Record

20. Mr Wood's previous disciplinary record was agreed with the player. However, it was noted Mr Wood had no previous Misconduct charges against him

Mitigations

21. Mr Wood, in plea of mitigation asked that his previous good record be taken into consideration.
22. The Commission acknowledged Mr Wood's previous disciplinary record and it was felt that we would give credit for this.

Sanction

23. With reference to the Charge, the Sanction Guidelines recommend that the Mid-Range punishment for Abusive Language/Behaviour to a Match Official carries a suspension of 1-3 matches plus a fine of £10-£50.
24. The Commission unanimously agreed that with credit for Mr Wood's previous relevant disciplinary record, the following sanctions would be imposed:
 - 24.1 to serve a suspension from all football of 2 (two) matches.
 - 24.2 fined a sum of £40 (forty pounds).
 - 24.3 5 (five) Club Disciplinary Points to be recorded.
25. This decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Geoff Theobald (*Chairman*)

Stephen Pike

Alan Cross