

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

**Andrew Jones
(Thomas Andrew Jones)
Ryan Football Club
Case ID: 9651403M**

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 17th November 2018 Hornminster Vets First played Ryan Veterans in a match in the Essex Saturday Veterans Cup (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by Match Referee Mr Andrew Gilham reported on the 17th November 2018 that he had been assaulted by Mr Jones and had dismissed him from the Field of Play.
3. Essex FA commenced an investigation into the allegations and raised charges on 29th November 2018.

The Charges

4. Mr Andrew Jones was charged under FA Rule E3 – Improper Conduct against a Match Official (Including physical contact and threatening and/or abusive language) By a participant, due to allegedly punching the Referees pencil from his hand.

Mr Jones due to the seriousness of the offence was immediately suspended from all football activities until the case had been dealt with, with a start date of the 29th November 2018.

5. The details of the charge against Mr Andrew Jones, contained in the charge letter, were: *“Andrew Jones was shown the red card for offensive language after the final whistle. When writing his details down, my pencil was physically “punched” from my hand by this player and was again confrontational*
6. The relevant section of FA Rule E3 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 a combination of violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

Documentation

7. Essex FA included within the charge letter the following evidence they intended to reply by 6th December 2018, which was sent to Mr. R Williams Ryan Football Club Secretary
 - (i) The Report Form from the Match Official dated 17th November 2018
 - (ii) An email in response to Robert Craven, ECFA, from Richard Williams dated 30th November 2018, which included a statement from Mr Thomas Andrew Jones.

The Reply

8. On 30th November 2018, Mr Andrew Jones responded to the charge, pleading Guilty and requesting a Non-Personal Hearing.
9. Mr Richard Williams had sent an email following a request from the ECFA Investigations officer. Outlining a response on behalf of Mr Andrew Jones, which he had asked to be considered, by the Disciplinary Commission.
10. Please note that Andrew Jones has signed his name on the email response as Thomas Andrew Jones

The Commission

11. The Discipline Commission members appointed by the Essex County Football Association were:
Mr Alec Berry (Chairman)
Mr Roger Crane (Essex FA Council Member)
Mr Andrew Schooler (Independent)

12. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
13. The Commission took place at the Essex County Football Association Headquarters on 10th November 2018.
14. The Commission had received and read the bundle of documents prior to the hearing.
15. 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, 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 with regard to this case.
16. The Match Referee Mr Paul Waldron was clear in his written evidence.
17. There was no correspondence from Mr Andrew Jones to consider.
18. Within Mr Jones submission he had stated in writing the following.

It's with great sincerity that I write this letter of apology and explanation.

During the game two weeks ago we were 2-0 up and cruising, there had been no flareups, no bad tackles and the game was flowing. Their manager was running the line and of course he was flagging everything offside, whilst I find this a huge conflict of interest that the opposing manager can rule us offside I get that we are where we are and we're now at the level that we're at.

After the 6th or 7th offside that we felt was incorrect tensions started to rise. Then, in the second half, I could no longer contain within me the injustices of the aforementioned assistant refereeing practices. I took a throw in that was cleared back out to me on the side line. I crossed the ball and we scored to go 3-0 up. We celebrated, they lamented on not clearing the cross when all of a sudden the Linesman, their manager started waving his flag.

There had been no foul, no appealing from the opposition, no infraction whatsoever. As perplexed as we all where I ask the referee what the issue was and the Linesman had said the ball had curled out then back in play.

As I write this letter in good faith, I can assure you that it is a physical impossibility that I curled the ball out of play. Geographically where I was on the pitch and where we scored from it's unfathomable that it could have happened. For me this was the final straw and I was booked for my protest. At no stage was I told to leave the pitch, I did so under my own free will and it was my own decision to do so. After I left the pitch, we conceded 3 goals and lost the game, thus recording our first loss of the season. I came back on for the last 5 mins of the game but it was too late, due to a fraudulent decision the momentum had swung irreversibly.

The incident at the end of the game I'm extremely sorry for. I was a YTS player and then signed a short pro contract in the 90's, I have played a high-level semi pro for years and I should know better.

I didn't punch the referee or have a closed palm at any stage. Regrettably I did smack the pencil out of the referee's hand and for that I can't apologise enough, my actions were deplorable and I deserved the red card he the referee gave me. Due to the incident with their manager, who actually asked to fight me whilst he was running the line, an invitation I declined if course, the disallowing of a perfectly good goal, I'd ask for leniency in this case.

Again, I regret my actions, I await your response in this matter

Standard of Proof

19. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
20. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Findings

21. From the documentation that we read and the evidence, that Mr Andrew Jones accepted the Charge there was no doubt that the statement submitted by the Match Referee was correct.
22. Having carefully considered the whole of the documentation before us, the Commission members:
 - (i) unanimously concluded that the charge against Mr Andrew Jones under FA Rule E3 – Improper Conduct against a Match Official (Including physical contact and threatening and/or abusive language) By a participant was Proven;
23. The Commission determined the case Proven and that the level of sanction was Low.

Sanction

24. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to these cases this was between £150.00 at the highest level with an entry level of £100 at the lowest level. There being a suspension of 184 days at the highest level and an entry level of 84 days at the lowest level.
25. The Commission carefully considered in mitigation and noted the previous discipline record for Mr Jones, which was made available to the commission after a decision had been made.
26. The Commission unanimously agreed Mr Andrew Jones to suspended from all Football for a period of 84 days with a fine of £100.00
27. The Commission were aware that Mr Jones had been suspended from all football since 26th November 2018 and therefore backdated the suspension of 84 days to start from 26th November 2018
28. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. Alec Berry (Chairman)
Mr. Roger Crane
Mr. Andrew Schooler
Thursday 13th December 2018