

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearing

of

**BENJAMIN OSEI
(Northbrooks FC)
Case ID: 9570431M**

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 30th September 2018 Northbrooks FC played in a match in the Harlow and District Sunday League (“the match”)
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the match referee. This contained allegations of misconduct by Ben Osei.
3. Essex FA commenced an investigation into the allegations and raised charges.

The Charges

4. Ben Osei was charged under FA Rule E3 – Improper Conduct against a Match Official (including Physical Contact, Violent Conduct and threatening and/or abusive language/behaviour.
5. The details of the charge against Ben Osei were contained in the charge letter “...*this instigated a brawl between the players. The New Hall Rangers assistant referee was trying to calm things down when Benjamin Osei from Northbrooks FC ran in and punched him. The incident calmed down thanks to the help of others separating the players. I called Benjamin Osei over to dismiss him for the act of Violent Conduct. As I displayed the red card he turned around and ran back to the New Hall Rangers assistant referee and grabbed him. They ended up on the floor and a second brawl started. I therefore blew the whistle and abandoned the game in fear of my own safety and the safety of others around me.*”
6. The relevant section of FA Rule E3 states: Offences against Match Officials:-
“*Physical contact or attempted Physical contact: examples include, but are not limited to pushing the Match Official, pulling the Match Official (or their clothing or equipment) barging or kicking the ball at a 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.*”

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) Report from the match official, Thomas Whay, dated 30th September 2018.

The Reply

8. Benjamin Osei responded to the charge pleading guilty.

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
Mr Wayne Deller (Chairman)
Mr Danny Coyle (Essex FA Council Member)
Mr Andy Schooler (Independent)
10. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place at the Essex County Football Association Headquarters on 9th November 2018, commencing at 8:00 pm and finishing shortly before 8:25 pm.
12. The Commission had received no additional documents prior to the hearing.
13. There were no submissions provided to the Commission. 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.

14. The match official had been clear in his original misconduct report and had received no additional requests from the ECFA for details and clarity.

Standard of Proof

15. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

16. 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

17. From the documentation that we read there was no doubt that there was a confrontation between the match official and Benjamin Osei to which Benjamin Osei had pleaded guilty.

18. The Commission were satisfied that there had been clear physical contact on the match official and no dissenting submission had been entered.

19. Having carefully considered such documentation as had been submitted the Commission members:
(i) unanimously concluded that the charge against Benjamin Osei under FA Rule E3 – Improper Conduct against a Match Official (including Physical Contact, Violent Conduct and threatening and/or abusive language/behaviour) was proven.

20. The Commission unanimously determined that the level of sanction was to be in the High range as there had been two separate incidents and had caused the match to be abandoned.

Sanction

21. The Commission considered the relevant rules and The FA's Sanction Guidelines. In relation to these cases this was a recommended sanction of 182 days suspension and a fine of 150.00

22. The Commission carefully considered the guilty plea made by Benjamin Osei as mitigation, but further noted that there were repeated incidents that had caused the match to be abandoned.

23. The Commission unanimously agreed that Benjamin Osei is to be suspended for a period of 273 days and fined the sum of £100.00.

24. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of The Football Association.

Signed

Mr Wayne Deller (Chairman)
Mr. Danny Coyle
Mr. Andy Schooler
Tuesday 20th November 2018