

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

**DAN WALKER
(Rectory Rovers FC)
Case ID: 9880482M**

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 28th April 2019 Rectory Rovers First played Rochford Sports & Social Reserves in a match in the Southend Sunday Football League Division Two ("the match").
2. A report was forwarded to Essex County Football Association ("Essex FA") by the Referee, Arles Henriquez Ulloque, on 30th April 2019. This stated that coach of Rectory Rovers used insults and bad behaviour in arguing with the Referee following a goal being scored against his team claiming that the ball had gone out of play.
3. Essex FA requested clarification from the Referee who additionally reported "*The coach definitely entered the field from the side line close to the corner area. He insulted because of a play where the ball did not go out of bounds. He used words like "motherfucker, fuck you..." Then he indicated that he was going to hit me while he kept a fist closed because he wasn't happy with my decision.*".
4. Essex FA raised a charge against Dan Walker on 17th June 2019 with a response required by 1st July 2019.

The Charge

5. Dan Walker was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
6. The details of the charge against Dan Walker, contained in the charge notification, were as reported by the Referee in his original report and additional statement as indicated above.
7. 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."
8. The charge notification also stated the recommended sanction should the charge be found proven: *"Should the Disciplinary Commission find the charge proven, the recommended punishment for Threatening Behaviour against a Match Official is a suspension of 112 days or 12 matches and a fine up to £100. The minimum sanction to be applied is a suspension of 56 days or 6 matches and a fine of £50."*

Documentation

9. Essex FA included within the charge notification the following evidence they intended to rely on:
 - (i) The Referee report from the match as indicated above.
 - (ii) The email correspondence between Essex FA governance department and the Referee.

The Reply

10. On 24th June 2019 Dan Walker (or the Club Secretary on his behalf) responded to the charge by selecting option C on the WGS denying the charge and wishing the case to be dealt with on correspondence. A statement from Dan Walker was received in response to the charge.
11. In his written statement Dan Walker addressed the accusations by referring to the Referee's report. He admits that, because of the magnitude and emotion of the game he did direct verbal comments toward the Referee from the touchline but denied that they were insulting. Dan also admitted entering the field of play when a player had been injured and the Referee "*showed no interest and I rushed to help my player, who subsequently was carried off by myself. At this point my only concern was Bobby's wellbeing, no gestures or comments were made to Mr Arles*". With

regard to the accusation that Dan Walker “used words like “motherfucker, fuck you...” he denies this stating that that word is not in his vocabulary and points out that the Referee using the phrase “words like” casts doubt on the actual words said. The alleged threatening behaviour reported as “he indicated that he was going to hit me while he kept a fist closed” is described by Mr Walker as a fabrication stating “I at no time gave the impression either verbally or through body language indicate I was going to harm anyone physically and I am horrified to hear he has attempted to tarnish my reputation and misrepresent the incident in this way. If he felt threatened I question why at no point I was asked to leave the ground or stand the required distance away? Why was I allowed, unchallenged, to stand and coach my team for the remainder of the fixture?”

12. Finally Mr Walker wanted to record that he regrets the verbal comments made to the Referee during the game but denied that there was any threatening language or behaviour.

The Commission

13. The Discipline Commission members appointed by the Essex County Football Association were:
Mr David Emerton (Chairman)
Mr Kevin Curran (Essex FA Council Member)
Mr Brian Reed (Independent)
14. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
15. The Commission took place at the Essex County Football Association Headquarters on 26th July 2019, commencing at 7.40 p.m.
16. This was a non-personal hearing so neither the individual charged nor the Referee were in attendance.
17. The Commission had received and read the documents prior to the hearing.

Standard of Proof

18. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
19. 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

20. The Commission reviewed all the reports and statements submitted. The Commission noted that the player had accepted the abusive language part of the charge but denied any threatening behaviour.
21. The Commission noted that the original report from the Referee stated “bad behaviour and insults” and it was only the subsequent clarification by the Referee that indicated any alleged threatening behaviour. The Commission were of the view that had the Referee felt threatened in any way he would have stated this in the original report.
22. The Commission members unanimously concluded that the charge against Dan Walker under FA Rule E3 – Improper Conduct (including threatening and/or abusive language/behaviour) was Not Proven.

Sanction

23. As the case had been found Not Proven there was no sanction. All record of the charge will be removed from the individuals record and the administration fee rescinded or returned.

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. David Emerton (Chairman)

Mr. Kevin Curran

Mr. Brian Reed

2nd August 2019