

# **DISCIPLINARY COMMISSION**

**On behalf of the Essex County Football Association**

**Non Personal Hearing**

**of**

**James Martin  
Masterman Football Club  
Case ID: 9751127M**

**Linked to Case ID:  
9751132M**

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## **THE DECISION AND REASONS OF THE COMMISSION**

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

## Introduction

1. On 13<sup>th</sup> January 2019 Alpha (S) first played Masterman (S) First in a match in the Essex Corinthian League Division 3
2. A report was forwarded to Essex County Football Association (ECFA) from the match Referee, Kieran Hatt. This match report contained an allegation that Mr James Martin had physically assaulted the match Referee after he had been dismissed from the Field of Play for Serious Misconduct.
3. Essex FA commenced an investigation into the allegations and raised charges on 19<sup>th</sup> February 2019 and was suspended from all football.

## The Charges

4. Mr James Martin was charged under FA Rule E3 improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour)
5. The details of the charges against James Martin are;

*"James Martin of Masterman was sent off for serious foul play having committed a two-footed lunge from behind on an opposition player. The opposition player's body was between Martin and the ball meaning Martin had no chance of getting the ball. Contact was made with the opposition player's ankle from which he received an injury and required treatment. On showing Martin, the red card he slapped my hand meaning the card flew out of my hand and landed 7 yards away and he proceeded to shout foul and abusive language at me. "Kieran Hatt has also reported: "Having been sent from the field of play James Martin proceeded to slap the red card out of my hand. He then said the following words: "You fucking cunt" & "You've got little man syndrome you fucking prick"*

*Players from both sides had to position themselves between James Martin and me as he was trying to approach me. James Martin apologised to me after the game and shook my hand."*

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 rely on:
  - (i) Match Reports from the Referee
  - (ii) An email exchanges between Mr R Craven (ECFA) and the match Referee confirming his report
  - (iii) An email exchange's between Mr R Craven (ECFA) and Mr James Jackson Secretary Masterman FC

## The Reply

8. In an email response from the Club Secretary they apologised for the incident however it was a not a direct plea. Therefore; the ECFA accepted that the charge was Not Guilty and that the case would be heard as a Non Personal Hearing.

## **The Commission**

9. The Discipline Commission members appointed by the Essex County Football Association were:  
Mr Alec Berry (Chairman)  
Mr Roger Crane (Essex FA Council Member)  
Mr Michael Kay (Independent)
10. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place at Hampton Sports & Leisure, Tydemans, off Beehive Lane, Chelmsford, on 1<sup>st</sup> April 2019, commencing at 8:00pm and finishing shortly before 8:30pm.
12. The Commission had received and read the bundle of documents prior to the hearing.
13. 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.
14. The submission from the Club Secretary was clear, in that they wanted to personally apologise to the match Referee for the incident. That they did not condone such incidents, there being no denial of the offence.
15. There was no written statement from the Mr Martin, either agreeing or denying the Charge.
16. As there had been no direct response to the Charge, the Commission regarded the Charge as a Non Guilty plea.

## **Standard of Proof**

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

19. From the documentation that we read, and that there was no response from the Mr Martin. The Commission were only able to make a decision on what they were presented with from his Club.
20. Having carefully considered the whole of the documentation before us and the evidence that, the Commission members were issued with:
  - (i) Unanimously concluded that the charge against James Martin under FA Rule E3 improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour) was Proven.
21. The Commission determined that the level of sanction as high

## **Sanction**

22. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to these cases this was of 182 days plus up to £150 fine. The minimum sanction to be imposed by a Disciplinary Commission should the charge be found Proven is a a suspension of 84 days and a £100 fine.

23. The Commission carefully considered the statement made by Masterman FC in mitigation. They also noted that the Mr Martin had no previous Misconduct charges recorded against him over the past 5 years.
24. The Commission noted that Mr Martin had been suspended pending the hearing from 12 February 2019 That any suspension should be backdated to the 12<sup>th</sup> February 2019
25. With mitigation from no previous Misconduct Charges, issued a sanction of 105 days suspension from all football and a fine of £100.00
26. That there would be 10 Penalty Points
27. 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. Michael Kay  
Monday 1<sup>st</sup> April 2019