DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non Personal Hearing

of

Jonathan Smith
Masterman Football Club
Case ID: 9751132M

Linked to Case ID:
9751127M

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 13th 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 Jonathan Smith who had been assisting the match Referee, by acting as an Assistant Referee had physically assaulted the match Referee

3. The Referee had not been able to obtain the person's name at the time of the incident. The Club had supplied the name during the investigation process.

4. Essex FA commenced an investigation into the allegations and raised charges on 19th February 2019 and suspended him from all football

The Charges

5. Mr Jonathan Smith was charged under FA Rule E3 improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour)

6. The details of the charges against Jonathan Smith are;

   In the first half a Masterman spectator/ club official was performing the role of assistant referee. From the first minute he was consistently arguing with my decisions and seeking verbal confrontation with opposition players using foul and abusive language. In the 32nd minute the ball was out of play. The score at this time was 1-1. The person in question took offence to the amount of time it was taking an opposition player to retrieve the ball and swore at him. The opposition player responded by saying "Why don't you go and get the ball yourself." The person in question then aggressively approached the opposition player meaning players from both teams were forced to intervene and come between them. I approached the person in question and asked him to follow me away from the crowd and I stated "Your behaviour is unacceptable" as I walked away. He proceeded to push the flag into my throat which caused me to turn to face him. He then took steps towards me and pushed his head into mine, headbutting me. Minimal force was used and I have received no injury. I stated at this point that he was to leave the pitch—side to which he refused. I then stated I would abandon the game unless he left. This was to protect myself from being assaulted again as I could see he was still angry and trying to approach me.

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."

Documentation

8. 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

9. 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.

10. That Mr Smith had been asked to 'run the line' on the day of the match and that he was a friend of a player and as such was not a registered member of the Club.

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 Michael Kay (Independent)

12. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.

13. The Commission took place at Hampton Sports & Leisure, Tydemans, off Beehive Lane, Chelmsford, on 1st April 2019, commencing at 8:15 pm and finishing shortly before 8:45 pm.

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 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.

17. There was no written statement from the Mr Smith, either agreeing or denying the Charge.

18. As there had been no direct response to the Charge, the Commission regarded the Charge as a Non Guilty plea.

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, there was no response from the Mr Smith. The Commission were only able to make a decision on what they were presented with from the Club.

22. 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.

23. The Commission determined that the level of sanction as high

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 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 suspension of 84 days and a £100 fine.

25. The Commission carefully considered the statement made by Masterman FC in mitigation. They also noted that the Mr Smith had no previous Misconduct charges recorded against him over the past 5 years.

26. The Commission noted that Mr Smith had been suspended pending the hearing from 12 February 2019 That any suspension should be backdated to the 12th February 2019

27. Due the seriousness of the physical assault on the match Referee the Commission agreed that the maximum sanction should be imposed. Therefore, issued a sanction of 182 days suspension from all football and a fine of £150.00

28. That there would be 11 Penalty Points

29. 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 1st April 2019