

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

**JOSH DILLON
(Stanway Pegasus FC)
Case ID: 9725240M**

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 19th January 2019 Stanway Pegasus First (“Stanway”) played Hatfield Peverel Reserves in a match in the Essex & Suffolk Border League Division Two (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Connor Hodgkins, on 19th January 2019. This contained allegations that Josh Dillon, a player of Stanway that had been dismissed from the field of play, had threatened the Referee by saying “your lucky, otherwise I'll smash your fucking face in”. The referee was very scared and shaken by this comment and felt it necessary to remain in the changing room to calm the situation down.
3. Following receipt of this report Essex FA raised a charge on 22nd January 2019 with a response required by 5th February 2019.

The Charge

4. Josh Dillon was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
5. The details of the charge against Josh Dillon, contained in the charge notification, were as reported by the Referee 'On my way back to the changing room Dillon then asked me what I sent him of for, I replied I'm not talking about it, he then said "your lucky, otherwise I'll smash your fucking face in". I went into the changing room and stayed in there for about 10 minutes as I was very scared and also shaken because of what had been said. I thought also staying in the changing room, it would calm the situation down.'
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.”
7. The charge notification also stated the recommended sanction should the charge be found proven: *“Should the charge be found Proven, the recommended punishment for threatening behaviour towards a Match Official is a suspension of 112 days or 12 matches plus up to £100 fine. The minimum sanction to be imposed if the case is found Proven is a suspension of 56 days or 6 matches and a fine of £50.”*

Documentation

8. 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.

The Reply

9. On 5th February 2019 Josh Dillon (or the Club Secretary on his behalf) responded to the charge by selecting option A on the WGS Portal pleading Guilty to the charge and wishing the case to be dealt with in his absence. A statement from Mr Ian Booth (manager) was also submitted in defence of the charge in which Mr Booth confirmed he saw Josh Dillon talking to the Referee after the game but could not hear what was said. Mr Booth did go to the referees room to enquire the reason for the sending off but stated that at no point during his conversation with the referee did the referee say he felt threatened. Mr Booth goes on to say that Josh believes he has let himself down and apologises for his actions. Mr Booth also indicated that Josh is recovering from a mental health issue and asked that the Commission take this into account.

The Commission

10. The Discipline Commission members appointed by the Essex County Football Association were:

Mr David Emerton (Chairman)
Mr Wayne Deller (Essex FA Council Member)
Mr Michael Kay (Independent)

- 11.** Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 12.** The Commission took place at the Essex County Football Association Headquarters on 4th March 2019, commencing at 8.00 pm.
- 13.** This was a non-personal hearing so neither the individual charged nor the Referee were in attendance.
- 14.** The Commission had received and read the documents prior to the hearing.

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.** The charge was that there was improper conduct against a Match Official (including threatening and/or abusive language/behaviour).
- 18.** The charged party had pleaded Guilty to the charge.
- 19.** The Commission considered the statement provided in defence of the charge and noted the mental health issue contained therein.
- 20.** The Commission members unanimously concluded that the charge against Josh Dillon under FA Rule E3 – Improper Conduct (including threatening and/or abusive language/behaviour) was Proven.

21. Sanction

- 22.** The Sanction Guidelines for a Proven charge of improper conduct against a Match Official (including threatening and/or abusive language/behaviour) indicate that the recommended punishment for Threatening Behaviour against a Match Official is a suspension of 112 days/12 matches plus a fine up to £100 with a minimum of 56 days/6 matches and a £50 fine.
- 23.** The Commission examined the individual's five-year disciplinary record which showed that he had been previously found proven for similar incidents and could not allow any such mitigation. However, mitigation was allowed on the guilty plea, the remorse shown in the statement and the mental health issues. It was also acknowledged that following the incident Josh Dillon left the facility.
- 24.** The decision of the Commission is to impose a suspension for a period of 56 days and a fine of £50.
- 25.** 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. Wayne Deller
Mr. Michael Kay
10th March 2019