

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIR PERSON SITTING ALONE

Sitting on behalf of Gloucestershire County Football Association

CORRESPONDENCE HEARING

of

ADAM MAHDI

[Case ID: 10763561M]

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains foul and abusive language.

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Introduction

1. On Saturday 12th March 2022 AEK Boca played Oldland Abbotonians in a Western Football League Division One fixture, collectively called “the match”.
2. Gloucestershire County Football Association (“Gloucestershire FA”) received a report of a derogatory comment made by Adam Mahdi, an Oldland Abbotonian player during the match, the report being submitted after the match.
3. Gloucestershire FA investigated the reported incident.

The Charge

4. On 17th March 2022 Gloucestershire FA charged Adam Mahdi :
 - i. FA Rule E3 – Improper conduct (including foul and abusive language).
 - ii. FA Rule E3.2 – Improper conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

It is alleged that Adam Mahdi used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1 and it is further alleged that this is an aggravated breach as

defined by FA Rule E3.2 because it includes a reference to disability. This refers to the comment “*Ginger Spastic Cunt*” directed towards Jake Edwards.

5. The relevant section of FA Rule E3.1 states: ¹

E3.1 A Participant shall at all times act in the best interests 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.

E3.2 A breach of Rule E3.1 is an “Aggravated breach” where it includes a reference, whether express or implied, to any one or more of the following: - Ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

6. Gloucestershire FA included with the charge letter the evidence that it intended to rely on in this case.
7. The Club was required to respond to its charge by 31st March 2022.

The Reply

8. The reply from the Club was received on 20th March 2022 and was “*Accept – Correspondence*”.

The Commission

9. The Football Association (“The FA”) appointed me, Ian R. Stephenson, as a Chair Person Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chair Person Sitting Alone to adjudicate in this case.

The Hearing & Evidence

10. I adjudicated this case on 26th March 2022 as a Correspondence Hearing (the “Hearing”).
11. I had received and read the bundle of documents prior to the Hearing.
12. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all of the evidence and materials furnished with regard to this case.
13. The following evidence was provided in the case bundle:

¹ Page 124 & Page 125 of the FA Handbook 2021/2022

14. An FA Extraordinary Report submitted by Benjamin Powell, dated 16th March 2022.

The report states that Mr Powell was the Referee of the match. The report states and I quote:

“After I dismissed Mr Mahdi for violent conduct in the 39th minute, I saw him shouting something at Jake (AR1) when he walked past him. I was not within earshot however Jake confirmed to me shortly afterwards at half time that Mr Mahdi had called him a ginger spastic cunt. He also informed me that Mr Mahdi had removed the corner flag and thrown it to the other side of the barrier when leaving the field”.

15. An FA Extraordinary Report submitted by Jake Richards, dated 13th March 2022.

The report states that Mr Richards was an Assistant Referee of the match. The report states and I quote:

“In the 39th minute of the game Mr Adam Mahdi was involved in an incident which saw him dismissed for Violent Conduct after me and the referee had discussed what we had witnessed. As Mr Mahdi was leaving the field of play he called me a ‘Ginger Spastic Cunt’. Furthermore, Mr Mahdi then proceeded to remove the corner flag from the ground, walk a couple of yards before proceeding to throw it to the other side of the barrier”.

Evidence in the Response to the Charge

16. None submitted.

Standard of Proof

17. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

18. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon the Gloucestershire FA.
19. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, (that is whether the witness is attempting to tell the truth), and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.
20. Where there are discrepancies between witnesses, it is for the Commission to accept which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness’s own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and which to reject, the Commission then has to decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.²

² Paragraph 4

21. It should be noted that where direct speech is quoted in a witness statement, I have recorded it exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typo errors.
22. In summary;
23. It is alleged that following his dismissal from the match, the Participant said to the Assistant Referee “*Ginger Spastic Cunt*”.³
24. The Participant has accepted the charge.
25. This comment was clearly heard by the Assistant Referee and reported to the Referee by the Assistant Referee at the half time interval; approximately six minutes after the comment had been said.⁴
26. Such a remark is considered to be both “*insulting and abusive*” as defined in Rule E3.1 and is clearly aggravated by a characteristic specified in Rule E3.2, namely the reference to “*Disability*”.
27. The referee saw the Participant “*shouting something*” after dismissing the player from the field of play for an unrelated incident but did not hear what had been said.⁵
28. The Club did not submit any evidence to challenge the evidence submitted in this case and as the Club had accepted the charge the Commission only had the evidence in support of the charge in this case.
29. After careful consideration of the evidence available in this matter, and noting the “Guilty Plea” entered by the Participant, the Commission found both charges⁶ E3.1 and E3.2 to be PROVEN.

Previous Disciplinary Record

30. After finding the charge proven, the Commission sought the participant’s offence history.
31. He has one prior misconduct record in the previous five seasons for a similar breach of misconduct namely:

On 28th August 2021 he had an Improper Conduct charge found proven whereby he received an 8 match suspension and a £115.00 fine, together with a requirement to attend an education programme. This breach was aggravated as it contained a reference to disability, namely the use of the word “*spastic*” which was used against an opponent.

Mitigation

32. The participant has accepted the charge and credit is allowed for this.

³ Paragraph 15

⁴ Paragraph 15

⁵ Paragraph 14

⁶ Paragraph 4

33. The Commission noted that there was no mitigation submitted by the Club.

The Sanction

34. The Commission noted that the Sanction Guideline for Aggravated Breaches stipulates that the sanctioning range is 6-12 matches. 6 matches is the standard minimum, and a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors. A Participant found to have committed an aggravated breach will be subject to an education programme.⁷

35. FA Regulations state and I quote:

- i. “Second or further offences will be treated with the utmost seriousness”.
- ii. “There will be a presumption that the sanction for a second or further offence will be higher than the top end of the Sanction range (ie 12 matches), however the Regulatory Commission shall in any event impose an immediate suspension of no fewer than 7 matches”.
- iii. “Regulatory Commissions shall still be entitled to take all aggravating and mitigating factors into account when determining sanction”.⁸

36. FA Rule E3.2 – Improper Conduct – is defined in regulations as “aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender Reassignment, Sexual Orientation or Disability”.⁹

37. This was an aggravated breach as it referred to a person’s Disability.

38. Credit is allowed for the participant accepting the charge and entering a “guilty plea”.

39. However, the Commission finds additional aggravating matters in this case due to the participant’s offence history.

40. The Commission must take into account that the participant has a previous aggravated misconduct sanction recorded against him during the last five years. It is noted that the previous sanction has only recently been served as it was an 8 match suspension between 22/10/21 and 11/12 21.

41. The Commission also find it aggravating that not only was the previous sanction relating to “disability” but was for the use of the very same aggravating word which was used in the current charge, namely the word “*Spastic*”.

42. The Commission considered that the appropriate sanction to be imposed was:

⁷ Page 157 of the FA Handbook 2021/2022

⁸ Page 159 of the FA Handbook 2021/2022

⁹ Page 125 of the FA Handbook 2021/2022

- i. For breach of Rule E3.2 Adam Mahdi is to serve a 12 match suspension.
- ii. A monetary fine of £125.00 (One hundred and twenty five Pounds).
- iii. He must attend an ONLINE Education programme. This must be undertaken before the match based suspension is served. Failure to comply with this order will result in a Sine-Die suspension being issued against the participant until they have fulfilled this order in its entirety.
- iv. 10 Club Disciplinary points to be recorded.

43. The sanction is formally imposed.

44. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: *Ian R Stephenson*

FA National Serious Case Panel Chair

26th March 2022.