

THE FOOTBALL ASSOCIATION  
DISCIPLINARY COMMISSION

(on behalf of The Gloucestershire FA ('GFA'))

Participant: Adam Mahdi of Oldland Abbotonians FC ('OAFC')  
Hearing: Non-Personal Hearing  
Date: 18 October 2021  
Incident: OAFC v Welton Rovers FC ('WRFC'). 28 August 2021 ('the Fixture')

---

THE DECISION AND REASONS OF THE COMMISSION

---

### Disciplinary Commission

1. The following member was appointed to the Disciplinary Commission:
  - a. Mr Alan Darfi (Independent Chair appointed by The Football Association)  
(the 'Commission')
2. The case was considered at a non-personal hearing.

### Charges

3. GFA received a report following the Fixture, alleging that Mr Mahdi had engaged in Improper Conduct.
4. In correspondence dated 29 September 2021, GFA issued a charge letter alleging that Mr Mahdi had engaged in Improper Conduct including the use of foul and abusive language, in breach of FA Rule E3. Rule E3.1 states '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 combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behavior' ('Charge 1').
5. It was separately specifically alleged that the foul and abusive language was aggravated by reference to ethnic origin, colour, race, nationality, faith, gender, sexual orientation or disability (specifically, race), in breach of FA Rule E3.2. Rule E3.2 states 'A breach of Rule E3.1 is an "Aggravated Breach" where it includes reference, whether express or implied, to any one or more of the following: - ethnic origin, colour, race, nationality, faith, gender, gender, sexual orientation or disability' ('Charge 2').
6. It was alleged that Mr Mahdi had used the word 'spastic' during the Fixture. It was further alleged that Mr Mahdi had made actions mimicking an opponent player with Tourette's Syndrome. It was alleged that these words and actions were aggravated by reference to disability.
7. Mr Mahdi admitted Charges 1 and 2, requesting the matter be considered at a non-personal hearing.

### Evidence

8. The Commission received and reviewed the following documents:
  - a. GFA charge letter, dated 29 September 2021;
  - b. Evidence in support of the Charges; and
  - c. Response to the Charges.

### Decision

9. The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, 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 the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.
10. The burden of proof is on GFA. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

11. The Commission noted the Match Official Ali Hajiali confirmed it had been reported to his assistant referees that, during the Fixture, Mr Mahdi had mimicked the WRFC number 10, who had Tourette's Syndrome, by nodding his head. Mr Hajiali further confirmed it had been reported that Mr Mahdi had used the word 'spastic' towards the opposing number 10 during the Fixture. Mr Hajiali confirmed these incidents were reported to him at the end of the Fixture.
12. The Commission noted the first assistant referee reported that he witnessed Mr Mahdi (this being the OAFC number 10) deliberately mimic the WRFC number 10 towards the end of the Fixture, with it being reported to him during the Fixture that this was taking place.
13. The Commission noted the second assistant referee confirmed it was reported to him at the end of the Fixture by WRFC players that Mr Mahdi had used the word 'spastic' during the Fixture.
14. The Commission noted that, whilst the Charges were accepted, Mr Mahdi seemingly denied the allegations, at least when he was first notified of them. It was further noted that OAFC raised a number of concerns including the delay in the Club being notified of the allegations and the fact that no action was taken at the time.
15. Having reviewed a small section of clipped video footage of the Fixture, the Commission was satisfied that Mr Mahdi clearly committed an action at least once that could be said to have been mimicking a player with Tourette's Syndrome. Having reviewed sections of the entire second half of the Fixture, the Commission was satisfied Mr Mahdi did not ordinarily make this action.
16. On this basis and due to the fact that Mr Mahdi was seemingly reported as having made this gesture on a number of occasions, as well as using the word 'spastic', again on a number of occasions, the Commission was satisfied that Mr Mahdi had deliberately committed this action on a number of occasions and had also used the word 'spastic', again on a number of occasions.
17. The Commission referred to Appendix 1 of the FA Disciplinary Regulations General Provisions, which state:
  - a. A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of at least 6 Matches and 12 Matches ("Sanction Range"). A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range. The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the "Standard Minimum");
  - b. Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association; and
  - c. Second or further offences will be treated with the utmost seriousness. 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 (i.e. 12 Matches), however the Regulatory Commission shall in any event impose an immediate suspension of no fewer than 7 Matches.
18. The Commission referred to Regulation 40.2 of the FA Disciplinary Regulations General Provisions which state 'save where expressly stated otherwise, a Regulatory Commission shall have the power to impose any one or more of the following penalties or orders on the Participant Charged...a fine';

19. The Commission noted Mr Mahdi had a clean discipline record for misconduct offences but had received a number of yellow and red cards.
20. Taking all of the above into account, the Commission agreed that a suspension of 8 matches was appropriate and a fine of £100. The Commission ordered that Mr Mahdi should be ordered to complete an online FA education course within 4 months. Whilst the Commission noted that separate charges had not been issued against Mr Mahdi, the Commission was satisfied that a suspension of 8 matches and a fine of £100 was appropriate, given the frequency of the offensive language and behaviour, as well as the fact that this was seemingly aimed directly at a player with a disability.
21. For the avoidance of doubt, the Commission was not tasked with confirming whether or not Mr Mahdi was 'disablist', simply whether, on this occasion, it was felt that his comments had been aggravated by reference to disability

#### Outcome

22. The Commission ordered that Mr Mahdi be:
  - a. Ordered to serve an 8-match suspension;
  - b. Fined the sum of £100;
  - c. Ordered to complete an online FA Equality Workshop by the time the match-based suspension is served or be suspended until such time as this course is completed; and
  - d. The Commission ordered that OAFCD be issued with 6 penalty points.
23. There is the right to appeal these decisions, in accordance with FA Regulations.

Alan Darfi  
18 October 2021