

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIR PERSON SITTING ALONE**

*Sitting on behalf of Gloucestershire Football Association*

**CORRESPONDENCE HEARING**

*of*

**HEMN SARHAD**

Unity Strikes FC

**[Case ID: 10927746M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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### **Introduction**

1. On 24<sup>th</sup> September 2022 Redfield Rovers First played Unity Strikes FC (“the Club”) in a Bristol & District Saturday League fixture, collectively called “the match”.
2. Gloucestershire Football Association (“Gloucestershire FA”) received a report of Improper Conduct against a Match Official following the match.
3. Gloucestershire FA investigated the reported incident.

### **The Charge**

4. On 10<sup>th</sup> October 2022 Gloucestershire FA charged Hemn Sarhad, a player of Unity Strikes FC, with:
  - i. Misconduct for a breach of FA Rule E3 – Improper conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
  - ii. It is alleged that Hemn Sarhad of Unity Strikes FC used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Sarhad made contact with the Referee’s chest using his hands during the match or similar.

5. The relevant section of FA Rule E3.1 states: <sup>1</sup>

*“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”.*

- The relevant section of FA Rule 96.2 states: <sup>2</sup>

*“96.2 Physical contact or attempted physical contact: physical actions (or attempted actions that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to; pushing the Match Official [...]”.*

6. Gloucestershire FA included with the charge letter the evidence that it intended to rely on in this case.
7. Mr Sarhad was required to respond to the charge by 17<sup>th</sup> October 2022.

### **The Reply**

8. The Club replied on behalf of Mr Sarhad on 19<sup>th</sup> October 2022. The charge was “*Accepted*” and a “*Correspondence Hearing*” was requested.

### **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 3<sup>rd</sup> December 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:

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<sup>1</sup> Page 141 of the FA Handbook 2022/2023

<sup>2</sup> Page 215 of the FA Handbook 2022/2023

14. An FA Extraordinary Report from Miley McNama, which was submitted to the Association dated 28/09/2022. Mr McNama was the referee of the match and he stated and I quote:

*“ORIGINAL REPORT –*

*When the player pushed me in the chest I sent him off and asked for his name, he replied ‘Rich PlayStation5’. after the game I approached their manager and asked what the players name was he told me it was HEMM SARHAD”.*

*SUPPLEMENTARY REPORT (requested by Gloucestershire FA)-*

*All players would have witnessed the push from Hemm as I stopped the game prior to this. The push was with both of his palms to my chest and I took a step backwards but did not fall over. The players of my team supported me and their manager was dealing with his players he (their manager) was apologetic after and told me his real name”.*

15. That concludes all of the evidence that was provided to the Commission.

**Standard of Proof**

16. 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**

17. 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.
18. 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.
19. 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 probability, the alleged breach of the FA Rules is established.<sup>3</sup>
20. 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.
21. In summary;

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<sup>3</sup> Paragraph 5 Pages 2 & 3

- i. It is alleged that Hemm Sarhad used violent conduct against a Match Official, specifically that Mr Sarhad made contact with the Referee's chest using his hands during the match or similar.
  - ii. Mr Sarhad accepted the charge.
  - iii. Miley McNama was the referee of the match. Mr McNama stated that Mr Sarhad pushed him in the chest with both of his palms.
  - iv. Mr McNama took a step backwards but did not fall over.
  - v. Following the incident Mr McNama requested the name of the player responsible for pushing him and Mr Sarhad replied "*Rich PlayStation 5*".
  - vi. Mr McNama obtained Mr Sarhad's actual name from the player's manager after the game had finished. The manager was also apologetic when he provided Mr Sarhad's name to Mr McNama.
  - vii. There was no evidence or mitigation provided by either the Participant or his Club. Accordingly, the only evidence provided to the Commission was the evidence provided by Gloucestershire FA, this being the report from the Match Official.
22. Deliberately pushing a Match Official in his chest clearly amounts to violent conduct against the Match Official which is improper conduct as defined by FA Rule E3.1 and amounts to physical contact against a Match Official as defined by FA Rule 96.2.
23. After careful consideration of the evidence available in this matter, and noting that the charge had been accepted by the Participant, the Commission found the E3 charge to be PROVEN.

#### **Previous Disciplinary Record**

24. After finding the charge proven, the Commission sought the participant's offence history.
- i. The Commission noted that the Participant has no previous misconduct charges recorded against him, and that the incident which is the subject of this charge had resulted in a 3-match suspension being imposed from 1<sup>st</sup> October 2022.
  - ii. The Participant was made the subject of a Sine Die suspension by the Football Association with effect from 10<sup>th</sup> October 2022 relating to this incident.
  - iii. The Commission will allow credit for this clean record.

### **Mitigation**

25. There was no evidence provided by the Participant or his club.

### **The Sanction**

26. The Commission noted that the Sanction Guideline for Offences against Match Officials is as follows;

- i. 101.4 *“A suspension from all football activities for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days”.*<sup>4</sup>
- ii. 101.5 *“A fine of up to £150.00, with a mandatory minimum fine of £75.00”.*<sup>5</sup>
- iii. 101.6 *“An order that the Participant completes an education programme before the time-based suspension is served or within 28 days of the Disciplinary Commission’s decision, whichever is the later”.*<sup>6</sup>
- iv. *“Regulatory Commissions shall still be entitled to take all aggravating and mitigating factors into account when determining sanction”.*<sup>7</sup>

27. In determining the appropriate sanction to impose, the Commission considered that the early submission of a *“Guilty Plea”*, and the Participant’s clean record, were mitigating factors where the credit would be allowed. It was noted however that that when the Match Official asked the Participant for his name when sending him off, the Participant provided an obviously false name. The Commission considered this to be an aggravated factor when determining the appropriate sanction to impose.

28. After careful consideration of the mitigating factors, and the aggravating factors, the Commission considered that the appropriate sanction to be imposed was:

- i. For breach of Rule E3.1 Hemn Sarhad shall be suspended from all football for a period of 126 days. This suspension shall come into effect from the date that the FA imposed Sine Die suspension commenced, namely from 10<sup>th</sup> October 2022. The suspension will expire on 12<sup>th</sup> February 2023.

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<sup>4</sup> Page 216 of the FA Handbook 2022/2023

<sup>5</sup> Page 216 of the FA Handbook 2022/2023

<sup>6</sup> Page 216 of the FA Handbook 2022/2023

<sup>7</sup> Page 178 of the FA Handbook 2022/2023

- ii. A monetary fine of £90.00 (Ninety Pounds). The £55.00 fine imposed for the red card that was issued for the offence shall be deducted from the £90.00 if the £55.00 fine has already been paid to the Association.
- iii. Hemn Sarhad must attend a face-to-face Education programme. This must be undertaken before the time-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. 9 Club Disciplinary points to be recorded.

29. The sanction is formally imposed.

30. 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

3<sup>rd</sup> December 2022.