

BEFORE THE GLOUCESTERSHIRE FA NATIONAL DISCIPLINE PANEL
IN THE MATTER OF A MISCONDUCT CHARGE NOTIFICATION AGAINST
PARTICIPANT JAMES FRY [60575866]

WRITTEN REASONS

Introduction

1. These are the written reasons of Lydia Banerjee (the “**Chair**”), sitting alone on this Non-Personal case.

The Charges

2. By a Misconduct Charge Notification dated 27 July 2021 issued by the Gloucestershire FA against James Fry (“**Mr. Fry**”), it was alleged that (the “**Charge**”):
 - 2.1. Mr. Fry engaged in Improper Conduct against a Match Official (including abusive language/behaviour) pursuant to FA Rule E3
3. The Charge arises from a match between Hanham Athletic Saturday First and AEK Boco First in the Fry Club Cup on 22 July 2021 (the “**Match**”).

Response

4. The Misconduct Charge Notification set out a Reply Due Date of 10 August 2021.
5. A response was received on 10 August 2021 admitting the Charge. The Response requested consideration on the papers.

Liability

6. For the issue of liability, the applicable standard of proof is the balance of probabilities; i.e. is it more likely than not that the Charge as alleged is proven to have taken place?
7. The Charge is admitted and made out from the details supplied by the Match Referee.

Sanction

8. I have had regard to the County FA Disciplinary Sanctions Guidelines, in force for the 2021/2022 season (“**the Guidelines**”).
9. The relevant sanction is a suspension from specified football activities for a period of up to 6 matches which may include a ground/venue ban and a fine of up to £70 fine.
10. I take into account the circumstances and seriousness of the incident in deciding whether to depart from the Guidelines. In so doing, I consider the following relevant aggravating and mitigating factors.
11. In terms of aggravating factors:
 - a. Mr. Fry targeted the Match Referee;
 - b. Mr. Fry repeated abusive and/or insulting words towards the Match Referee, including referring to him as a ‘*prick*’; and
 - c. Mr. Fry has a number of previous proven charges for dissent or adopting an aggressive attitude.
12. In terms of mitigating factors, Mr. Fry admitted the Charge.
13. Overall, I consider a fine of £70 to be appropriate along with a ban from playing football for 6 matches. Mr. Fry has demonstrated aggressive behaviour over a number of seasons and that combined with his conduct on this occasion justifies applying the top end of the range to this conduct.

Outcome

14. For the reasons set out above:

- a. The Charge against Mr. Fry is found proven.
 - b. Mr. Fry is to receive the following sanctions:
 - (i) A 6 match suspension from playing;
 - (ii) A £70 fine; and
 - (iii) A warning as to his future conduct.
 - c. Hanham Athletic Saturday is warned as to its future conduct and shall receive 5 club disciplinary points.
15. The decision above may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

Lydia Banerjee (Independent Chair alone)

3 September 2021