

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Gloucestershire County Football Association

CORRESPONDENCE HEARING

of

MATTHEW HENDRICKSON

Case ID: 10600040M

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains offensive and/or discriminatory language

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Introduction

1. On 10 November 2021, Matthew Hendrickson (the “Participant”) a player for Fry Club FC and Cutters Friday FC attended a match between Bristol Telephones FC and Tytherington Rocks FC as a spectator – collectively the “match”.
2. Gloucestershire County Football Association (“Gloucester County FA”) received a report of an allegation of derogatory comments by the Participant at the match.
3. Gloucester County FA investigated the reported incident.

The Charge

4. On 19 November 2021, Gloucester County FA charged the Participant:
 - 4.1. with misconduct for a breach of FA Rule E3.1 towards a player by using abusive and/or insulting language.
 - 4.2. It is further alleged that this was an aggravated breach as defined by FA Rule 3.2 because the language included a reference to the player’s colour. This refers to the comment(s) “Fucking Black Cunt” and/or “Black Prick” heard on a video recording submitted to Gloucester FA. Bristol Telephones identified the Participant as the alleged spectator involved in the use of the alleged language. The video recording was provided to the participant with the Charge Letter. [“the Aggravated E3 Charge”].
5. The relevant sections of FA Rule E3 states¹:

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.

¹ p. 124 of FA Handbook 2021/22

*E3.2 Improper conduct, aggravated by 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. Gloucester County 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 3 December 2021.

The Reply

8. The Participant provided a response admitting the Charge.

The Commission

9. The Football Association ("The FA") appointed me, Kwadjo Adjepong, as a Chairman member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing & Evidence

10. I adjudicated this case on 16 December 2021 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 the evidence and materials furnished with regard to these cases.

13. In accordance with the response from the Participant to the charge, with the FA's standard procedures, the case was designated as a "Accept – Correspondence Hearing".
14. The following evidence was provided in the case bundle.
15. A video in which a spectator [the Participant] can be heard using the words "fucking black cunt".

The Participant submitted two statements dated 22 November 2021 and 23 November 2021. In the Participant's written statement dated 23 November 2021 he states: "*I would like to take this opportunity to apologise for the incident and my actions for which I have pleaded guilty to and fully regret. I completely understand there is no place in the game for racism and take full responsibility for my actions and I am disappointed with myself about as I am not a racist person...*"

16. That concluded relevant evidence in this case.

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. Based on the evidence before me and the Participant's admission, I found the Aggravated E3 Charge PROVEN.
19. I noted that it was one incident, however I assessed the level of seriousness to be at a mid-level.

Previous Disciplinary Record

20. After finding the charge proven, I sought the Participant's offence history. The Participant has no prior misconduct record in the previous five seasons.

Mitigation

21. The Participant accepted the charge, made submissions in mitigation, apologised for his conduct and showed remorse.

The Sanction

22. I noted that the Sanction Guideline for the Rule E3.2 offence is a suspension of between 6-12 matches and an education programme. And, this was an Aggravated offence.

23. As the Participant accepted the charge, the "*Credit for Guilty Plea*" was available to him. There was some mitigation presented in this case which, helped to reduce the sanction.

24. As there was no relevant misconduct record in the Participant's previous five seasons, credit was given for this previous good disciplinary record. The Participant's credit for the guilty plea, good disciplinary record and mitigation helped to reduce the sanction from a starting point of an 8-9 match suspension.

25. After taking into consideration all the circumstances in this case, the Participant is:

- a. Suspended for 6 matches (the standard minimum).
- b. Required to undertake an online education programme (before the end of the period of suspension);
- c. fined a sum of £75 (seventy-five pounds); and
- d. 5 (five) Club Disciplinary Points to be recorded.

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

Signed

Kwadjo Adjepong

Kwadjo Adjepong (Chairman)

21 December 2021