

BEFORE THE GLOUCESTERSHIRE FA NATIONAL DISCIPLINE PANEL
IN THE MATTER OF A MISCONDUCT CHARGE NOTIFICATION AGAINST
PARTICIPANT MITCHELL WISE [58449540]

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 Mitchell Wise (“**Mr. Wise**”), it was alleged that (collectively referred to as the “**Charges**”):
 - 2.1. Mr. Wise engaged in Improper Conduct against a Match Official (including physical contact or attempted physical contact and/or abusive language/behaviour) pursuant to FA Rule E3 (“**the Primary Charge**”); or,
 - 2.2. Mr. Wise engaged in Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) pursuant to FA Rule E3 (“**the Alternate Charge**”).
3. The Charges arise 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 3 August 2021.

5. A response was received on 10 August 2021 admitting the Charge. The Response requested consideration on the papers.
6. I have assumed that the admission is to the Primary Charge which includes the lessor Alternate Charge.

Liability

7. 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 Charges as alleged are proven to have taken place?
8. The Primary Charge is admitted and made out from the details supplied by the Match Referee. The Alternate Charge is also made out but not considered further given the finding on the Primary Charge.

Sanction

9. I have had regard to the County FA Disciplinary Sanctions Guidelines, in force for the 2021/2022 season (“**the Guidelines**”).
10. The recommended sanction for the Primary Charge is a suspension from all football activity for a period of 182 days and £150 fine. The standard minimum is a suspension from all football activity for a period of 112 days and a £75 fine. In all cases including a mandatory education course and penalty points to the club.
11. 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.
12. In terms of aggravating factors:
 - a. Mr. Wise targeted the Match Referee after being dismissed; and
 - b. Mr. Wise repeated abusive and/or insulting words towards the Match Referee.
13. In terms of mitigating factors:

- a. Mr. Wise does not have any previous proven charges for the same or similar offences on his disciplinary history; and
 - b. Mr. Wise admitted the Charge.
14. Overall, I see no reason to depart from the Recommended Sanction although the previous good history might have inclined me towards the minimum sanction Mr. Wise' repetition of the conduct in a number of phases cancelled out any movement away from the Recommended Sanction.

Outcome

15. For the reasons set out above:
- a. The Charges against Mr. Wise are found proven.
 - b. Mr. Wise is to receive the following sanctions:
 - (i) A 182 day suspension from all football activity;
 - (ii) A £150 fine;
 - (iii) Compulsory attendance of an FA Education Course to be completed before the time-based suspension is served. Whereby the Participant fails to comply with the order, a Sine-Die suspension shall be imposed until such time the Participant becomes compliant with the order of the Disciplinary Commission; and,
 - (iv) 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.
16. 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