

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Gloucestershire Football Association

CORRESPONDENCE HEARING

of

Mr REECE HAMBLETT

Abbeymead Rovers FC

[Case ID: 11008944M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 22 October 2022, Abbeymead Rovers FC (“Abbeymead”, the “Club”) Reserves team played a Stroud & District Football League, Division 2, away fixture against Longford Saturday FC (“Longford”) First team – collectively the “match”.
2. The Match Referee, Mr Marek Jagus, reported an incident from the match.
3. Gloucestershire Football Association (“Gloucestershire FA”) investigated the reported incident.

The Charge

4. On 15 November 2022, Gloucestershire FA charged Mr Reece Hamblett, an Abbeymead player:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language / behaviour); and
 - 4.2. it was alleged that Mr Hamblett used threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1, and it was further alleged that this constitutes a *Threatening Behaviour against a Match Official* as defined in FA Regulations. This referred to the allegation that Mr Hamblett threatened to headbutt the Referee or similar.
5. The relevant section of FA Rule E3 states¹:

“E3.1 A Participant shall at all times act in the best interest 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.”
6. The *Threatening Behaviour against Match Officials* is defined as²:

“96.1 Threatening behaviour: words or action that cause the Match Official to believe

¹ p. 141 of FA Handbook

² p. 215 of FA Handbook

that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official."

7. Gloucestershire FA included with the charge letter the evidence that they intended to rely on in this case.
8. Mr Hamblett was required to respond to his charge by 29 November 2022.

The Reply

9. On 28 November 2022, the Club, on behalf of Mr Hamblett, responded online by accepting his charge and requested the case to be dealt with in his absence at a Correspondence Hearing.

The Commission

10. The Football Association ("The FA") appointed me, Thura KT Win, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate this case.

The Hearing & Evidence

11. I adjudicated this case on 02 December 2022 as a Correspondence Hearing (the "Hearing").
12. I had received and read the bundle of documents prior to the Hearing.
13. 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 this case.
14. The Match Referee, Mr Marek Jagus, submitted an Extraordinary Incident

Report, dated 22 October 2022, in which he stated (I quote the relevant text):

"I was in the centre circle during the half-time interval when Reece Hamblett approached me. He said 'what was I sent off for?' I replied 'For foul and abusive language'. He aggressively said 'what did I say?' I said 'That will be in my report. Please leave the pitch.' He aggressively replied 'I should fucking headbutt you' as he turned and walked off. I made a record of what he said. Robin, the Longford CAR [Club Assistant Referee], was with me at the time and heard what was said."

15. Via an EMail trail with Longford, Mr Robin Jones, the Longford Club Assistant Referee, submitted a witness statement, on 14 November 2022 at 10:47, in which he stated (I quote the relevant text):

"... On 22.10.22 Longford were visited by Abbeymead & during the 1st half the centre forward/Captain was sent off for dissent followed by foul & abusive language. I did not hear the 1st sanction which I believed was sin bin for dissent following an offside decision, but heard the player say 'cunt' as he was running off the pitch away from the ref towards the touchline & me. At half time the player approached the ref & I in the centre circle questioning his dismissal & was eventually ushered away by his team mates whilst threatening to head butt the ref..."

16. In response to the charge, Mr Hamblett submitted a statement, undated, in which he stated (I quote the relevant text):

"... I am writing to you to sincerely apologise for my verbal language towards the referee both when I was on the pitch and when I was off the pitch. I had an abundance of anger within myself for getting a red card and I used the referee to let it out, I now see the mistake I have made and I couldn't apologise enough for it, this is not normally within my nature and I can assure you I will never let it happen again. Once again I apologise for my wrong doing towards the Football association and football itself, but most importantly I apologise to the referee that was refereeing the match..."

17. That concluded all relevant evidence in this case.

Standard of Proof

18. 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

19. In considering the most serious element of the charge, being the threatening behaviour towards a Match Official, the relevant evidence: from Mr Jagus, the Referee, was that *"He [Mr Hamblett] aggressively replied 'I should fucking headbutt you' as he [Mr Hamblett] turned and walked off"*³; and from Mr Jones, the Longford Club Assistant Referee, was that *"[Mr Hamblett] was eventually ushered away by his team mates whilst threatening to head butt the ref"*⁴.
20. Whilst Mr Hamblett had not said in his statement⁵ what his language was towards the Referee, Mr Hamblett did not dispute the alleged headbutt comment and accepted the charge, he apologised for his language / behaviour and said *"I had an abundance of anger within myself for getting a red card and I used the referee to let it out"*⁶.
21. Therefore, on the evidence before me and on the standard of proof required, being the balance of probability, I found it was more likely than not that Mr Hamblett had *aggressively* said to the Referee *"I should fucking headbutt you"*.
22. The definition of the *Threatening behaviour* in the Regulation states *"words or action that cause the Match Official to believe that they are being threatened"*⁷. However, there was no evidence in the bundle either in the Referee's report or any follow up clarifications that *"the Match Official to believe that they are being threatened"*.
23. Nevertheless, I found the comment *"I should fucking headbutt you"* satisfies the example given in the definition that *"the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not"*⁸. Accordingly, as per this example in the definition in the Regulation, I found Mr Hamblett saying *aggressively* *"I should*

³ para 14

⁴ para 15

⁵ para 16

⁶ para 16

⁷ see 96.1 in para 6

⁸ see 96.1 in para 6

fucking headbutt you" to the Referee to be a threatening behaviour against a Match Official.

24. I, therefore, found that the threatening behaviour, together with use of abusive word, in the charge to be properly admitted by Mr Hamblett.
25. I had noted that, whilst it is not an excuse, Mr Hamblett had explained⁹ his behaviour at the time and offered his apologies.
26. Within the category of threatening behaviour, I found Mr Hamblett's comment and behaviour to be at a relatively lower end of the scale. Also, Mr Hamblett had made this comment once and did so "*as he turned and walked off*" (opposed to repeatedly saying it towards or in the Referee's face). I found no aggravating factors and assess the level of seriousness and culpability within the category of the offence to be at a low level.

Previous Disciplinary Record

27. As Mr Hamblett had accepted the charge, I sought his previous relevant disciplinary record. Other than a Sin Bin and a dismissal for different offences at this match and this misconduct charge from the same match, Mr Hamblett has one caution in his previous disciplinary record over the past five seasons.

Mitigation

28. Mr Hamblett is a 19-year-old player and shown a degree of remorse with "*I now see the mistake I have made and I couldn't apologise enough for it, this is not normally within my nature and I can assure you I will never let it happen again. Once again I apologise for my wrong doing towards the Football association and football itself, but most importantly I apologise to the referee that was refereeing the match.*"¹⁰
29. Mr Hamblett's admission at the earliest opportunity and accepting the charge, and his previous good disciplinary record would also serve as mitigation.

⁹ para 16

¹⁰ para 16

The Sanction

30. The *Sanction range (Suspension)* for Offences Against Match Officials¹¹ states:

“A Disciplinary Commission shall impose an immediate suspension within a range based on the category of offence committed (as set out below). A Disciplinary Commission shall take all aggravating and mitigating factors into account, including, but not limited to, those listed in paragraph 102, when determining the level of sanction within the range.

Unless otherwise stated, the lowest end of the applicable range shall operate as a standard minimum suspension. A Disciplinary Commission may impose an immediate suspension in excess of the upper limit in circumstances where aggravating factors of significant number or weight are present.

Threatening behaviour:

101.1 *suspension from all football activity for a period of between 56 days and 182 days.*

The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days.

101.2 *a fine of up to £100, with a mandatory minimum fine of £50.*

101.3 *an order that the Participant completes an education programme before the time-based suspension is served.”*

31. From the *Sanction range (Suspension)* above for this offence, it is “an immediate suspension” and “The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days”¹².

32. There was no aggravating factor found, and the low level of seriousness I assessed of the offence¹³, the mitigation factors¹⁴, which include Mr Hamblett’s acceptance of the charge and early admission, his relatively young age, and his previous good disciplinary record, would help reduce the sanction.

33. After considering the *recommended entry point, aggravating and mitigating factors*, an immediate suspension of 63 days would be an appropriate and proportionate sanction, which is within the *Sanction range* of “between 56 days and 182 days”.

34. This offence also carries “a fine of up to £100, with a mandatory minimum fine of

¹¹ p. 216 of FA Handbook

¹² see 101.1 in para 30

¹³ para 26

¹⁴ paras 28 and 29

£50”¹⁵ and “an order that the Participant completes an education programme before the time-based suspension is served”¹⁶.

35. In considering the circumstances in this case and the mitigation presents, I found that a mandatory minimum fine of £50, which I could not go below, would be appropriate and proportionate.
36. After taking into consideration all circumstances in his case, Mr Hamblett is:
- 36.1. to serve an immediate ground ban suspension from all football activity for a period of 63 (sixty-three) days;
 - 36.2. a fine of £50 (fifty pounds);
 - 36.3. to satisfactorily complete an online mandatory education programme before the time-based suspension is served, or Mr Hamblett be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to Mr Hamblett; and
 - 36.4. 5 (five) Club Disciplinary Points to be recorded.
37. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Thura KT Win JP LLM MCI Arb (Commission Chair)

03 December 2022

¹⁵ see 101.2 in para 30

¹⁶ see 101.3 in para 30