

FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

GLOUCESTERSHIRE FA

v

DAVID MATTHEWS

Case ID: 10687774M

PAUL MARTIN

Case ID: 10687777M

RUARDEAN HILL FC

Case ID: 10687777M

WRITTEN REASONS

Background and Chronology

1. The Football Association convened a Disciplinary Commission (“the Commission”) on behalf of the Gloucestershire FA to adjudicate upon a disciplinary charges levied against David Matthews, Paul Martin and their club Ruardean Hill FC.
2. The charge arose out of a match played on 22 January 2022 between Redbrook Rovers First and Ruardean Hill FC in the North Gloucestershire League, Premier Division.
3. By letter dated 28 January 2022 David Matthews was charged with misconduct for breach of FA Rule E3 for Improper Conduct against a match official (including threatening and/or abusive language/behaviour).
4. By letter dated 22 January 2022 Paul Martin was charged with misconduct for breach of FA Rule E3 for Improper Conduct against a match official (including abusive language/behaviour).

5. By letter dated 28 January 2022 Ruardean Hill FC were charged with misconduct for breach of FA Rule E20 for failing to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion.
6. Responses were filed on behalf of the two players denying the charges and requesting them to be dealt with by way of correspondence at a non – personal hearing.
7. The club had filed a response to the charge pleading guilty and requesting for it to be determined by way of a non - personal hearing.
8. The case was therefore referred to me for determination as a chairman sitting alone.
9. I had been provided with a bundle of documents containing all the evidence which had been read and considered.
10. As the offences were alleged to have been committed during the same match and there was related or common associated evidence the proceedings were consolidated pursuant to Regulation 13 of the FA Disciplinary Regulations.
11. The following is a summary of the principal issues and matters considered by the Commission. It does not purport to contain reference to all the issues or matters considered, and the absence in these reasons of reference to any particular point or submission made by any party should not be read as implying that it was not taken into consideration. For the avoidance of doubt, all the evidence and materials furnished was taken into consideration.
12. **The Relevant FA Rules**

Rule E3(1) provides that:

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.

Rule E20 states:

“Each Affiliated Association, Competition and club shall be responsible for ensuring: that its players, officials, spectators, and/or all persons purporting to be its supporter(s) or follower(s), conduct themselves in an orderly fashion and refrain from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour”.

Rule E21 provides for:

“Any.....Club which fails to discharge its said responsibility in any respect whatsoever shall be guilty of misconduct.....It shall be a defence in respect of charges against a Club for misconduct (under Rule E20) by spectators and all persons purporting to be spectators or followers of the Club if it can be shown that all events, incidents or occurrences complained of were the result of circumstances over which it had no control or for reasons of crowd safety and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged”. (FA Rule E21 defence).

The Evidence

13. The Commission had been provided with the following statements and reports:

Evidence in support of charge:

Phillip Boswell

The referee Phillip Boswell had submitted 3 reports dated 23 January in which he stated that in the 65th minute Mr Matthews was shown a second yellow card for dissent. As he left the pitch he resorted to foul and abusive language against the referee as a result of which he was shown the red card to dismiss him. Mr Matthews turned toward the referee and shouted a verbal tirade including *“you cunt! Fuck off,*

you're a fucking prick! Fuck off you cunt, you're shit!" that he "wouldn't of (sic) given the same free kick if it was his team". He approached the referee in an aggressive and belligerent manner causing the referee to retreat in fear for his safety. The referee decided to abandon the match.

The referee had also submitted a report against Paul Martin (who was a non-playing participant) that following a collision between two players in the penalty area Mr Martin called out "*you're a fucking joke*" as a result of which Mr Martin was shown the red card and sent off.

A further report of the club misconduct stated that following the abandonment, as the referee was walking towards the changing room the Ruardean Hill players started to hurl abuse at the referee calling out "*unbelievable, you prick! You're a fucking joke! You're shit, you cunt and fuck off*".

Evidence in Response to the Charge

David Matthews

Mr Matthews had submitted a statement seeking to provide context to the referee's report. He explained that the first yellow card was a sin bin for the comment "*how is that not a penalty*" and the second was for questioning the decision to book one of his team mates, maintaining that they were not for malice, dangerous or reckless play or aggressive attitude. Whilst he admitted colourful language, he disputed turning and approaching the referee in an aggressive and belligerent manner, maintaining that he only turned towards the referee at the referee's request for a red card to be issued. He further maintained that he phrases "fuck off, you cunt and you are shit" were foul but not threatening. He relied upon the fact that he stopped his verbal comments once the referee had stopped as evidence of the fact that it was a short verbal outburst in frustration but not in the least bit threatening or sufficient to abandon the match.

Paul Martin

Mr Martin had submitted a lengthy statement seeking to rely upon frustration emanating from the referee's performance as justification for much of the misconduct alleged against his team. He did however admit to saying "fucking joke" and ""that's a fucking joke".

Decision

14. As part of its deliberations the Commission reminded itself of the standard of proof which was required in order to find the charge against Mr Kendall proven, which was on a balance of probabilities.
15. The Commission considered all of the evidence that had been presented.
16. It was a matter for the Commission to determine which evidence to accept and reject where there were discrepancies between the evidence of the witnesses.
17. Having determined which evidence the Commission accepted and rejected, the Commission then went on to determine the charges against both players on the balance of probabilities. The decision of the Commission was to find both the charges proven.

Reasons for the Decision

18. The referee's reports were preferred. So far as the charge against Mr Matthews was concerned the report provided a lot of detail and context. It was understandable and a reasonable reaction for a recipient of such abuse to feel threatened. Indeed, it was accepted that the referee had to take steps backwards to seek to remove himself, which was likely because the referee felt threatened. This was not addressed in the statement by Mr Matthews and therefore unchallenged evidence.

Turning to the charge against Mr Martin, there was an admission in his statement to shouting "fucking joke" and "that's a fucking joke" which is sufficient to amount to a breach of Rule E3.1.

Sanction

19. The previous disciplinary records were reviewed. The club ran 3 teams and had 5 previous E20 offences recorded, although 3 arose from the same match on 01.12.2018 for accumulating four or more charges in the same match. Both the players had clean records.
20. Aggravating and mitigating factors were then considered. So far as Mr Matthews was concerned it was noted that the foul and abusive comments were vile, repeated and carried out over a sustained period, which left the referee feeling in fear for his safety that he felt compelled to abandon the match. So far as Mr Martin, the attempt to justify his conduct on the referee's performance was viewed as an aggravating factor. This demonstrated a lack of insight, and even if true, would not excuse or justify such conduct. The failure by the club to engage in the charge and provide an explanation was viewed as an aggravating factor as was the previous record. The previous clean records of the players were considered as mitigating factors.
21. Reference was made to all of the FA Rules including the Disciplinary and Sanction Guidelines in arriving at the sanction.
22. The club offence was categorised in the high category.
23. The following sanctions were imposed:
 - (i) Ruardean Hill Randgers FC will pay a fine of £125.
 - (ii) David Matthews will be suspended from all football for 133 days. The entry point of 112 days was aggravated by 28 days and then reduced by 7 days for the clean record.
 - (iii) David Matthews will pay a fine of £75.
 - (iv) He will complete an educational course on line within 28 days of this decision or before the expiration of the suspension, whichever is later, failing which he will be suspended until such time as the course is completed
 - (v) Paul Martin will be suspended from all football activity for 3 matches
 - (vi) Paul Martin will pay a fine of £50.
 - (vii) Ruardean Hill Randgers FC will be subjected to 24 disciplinary points allocated as to 9 points for the David Matthews offence, 7 points for the Paul Martin offence and 8 points for the club charge.

24. There is a right of appeal in accordance with the FA Regulations.

09 February 2022

Yunus Lunat (Independent Chairman)