

DISCIPLINARY COMMISSION

Sitting on behalf of the Gloucestershire Football Association

IN THE MATTER OF A PERSONAL HEARING OF

BEN CHAMPION (PLAYER)

OF FALCONS

DATE OF COMMISSION: 8th October 2018

CASE NUMBER 9474048

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

On 4th August 2018 Cheltenham United played Falcons Reserves in a friendly match. The appellant was acting as an Assistant Referee and flagged for an offside against a Cheltenham United player. The Referee, Mr Cole overruled the assistant and allowed play to continue. The appellant became agitated and used several swear words towards the Referee. He was asked to stop swearing but continued. The Referee asked the manager of Falcons to provide another assistant and it was alleged that the appellant then threw the assistant's flag at the Referee hitting him in the stomach.

THE COMMISSION

The members appointed to the Commission were:

Chairperson: Mr R Schafer

Secretary: Mr C Lucker

Member: Mr B Phillips

Independent Member: Mr A Rehmanwala

OTHERS ATTENDING THE HEARING

Mr Len Cole (Referee)

Mr Ben Champion (Appellant)

Mr Richard Woodley (Observer)

Mr Richard Gamble (Witness)

THE CHARGE(S)

The Gloucestershire Football Association charged Mr Champion as follows

Charge 1: FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour)

Alternative Charge 1: FA Rule E3 – Improper Conduct against a match official (including threatening and/or abusive language/behaviour)

THE REPLY

The player entered a not guilty plea to Charge 1 but pleaded guilty to the alternative charge

THE RULES

Pursuant to The FA Handbook 2018-2019 Season, FA Rule E3 (1) provides as follows:

“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”.

THE BURDEN & STANDARD OF PROOF

For these charges to be made out in full in this instance there were two tests, which needed to be satisfied:

- a) Was Mr Champion guilty of improper conduct including physical contact towards the Referee Mr Cole
- b) Was Mr Champion guilty of improper conduct against a Match Official including violent conduct and threatening and/or abusive language/behaviour)

The Commission judged this case and the standard used was on the balance of probabilities.

THE EVIDENCE

The Referee submitted a misconduct report detailing the language used towards him by the appellant. In that report he also stated that the appellant had thrown the Assistant Referees flag at him, which struck him in the stomach. The commission also considered written evidence from Mr Tom Dyer (Falcons Secretary) Richard Gamble (Falcons Reserves Manager), Ben Champion (Appellant) and Kris Mohan (Manager/Secretary Cheltenham United). The Referee, the Appellant and Mr Gamble gave verbal evidence.

Mr Cole detailed the abuse towards him from the Appellant and confirmed that the Assistant's flag had struck him in the stomach. He confirmed during questioning that despite being struck by the flag it had not caused him any discomfort.

The Appellant agreed that he had used offensive language towards the Referee and apologised for his actions on that day. He denied hitting Mr Cole with the flag although he agreed that he had thrown the flag to the floor.

Mr Gamble in his evidence stated that he was almost the width of the pitch away from the incident and confirmed that the flag had not hit the Referee. He did agree that the player had used offensive language towards the Referee.

The Commission were mindful that in the written report from Mr Mohan (from the opposing team to Mr Champion), he also stated that the flag had not struck the Referee, Mr Cole but confirmed that the appellant had been verbally abusive to the Referee.

FINDINGS

The Commission having fully discussed the matter came to the decision that Charge 1 of Improper Conduct against the Match Official (including physical contact etc) was not proved.

The Commission noted that the player having pleaded guilty to the alternative charge of Improper Conduct against the Match Official (including threatening and/or abusive language/behaviour) found this charge proved.

MITIGATION

In view of the fact that the alternative charge was found proved the appellant was invited to make a plea of mitigation. He told the Commission that he had been receiving counselling and that his Father had been off work for 2 years suffering from depression, which had caused him some anxiety. He had joined Falcons around the middle of last season

PREVIOUS DISCIPLINARY RECORD

During season 2017/18 the appellant had been cautioned 3 times (twice for unsporting behaviour and once for dissent) He had also been the subject of a standard punishment for the use of offensive, insulting or abusive language to the Referee and suspended for 2 matches from 12th April 2018.

SANCTION

The Commission having referred to the standard recommended punishment guidelines issued by the Football Association ordered that the Appellant be suspended for 112 days and fined £75. They further ordered that the appeal fee is to be returned to the appellant and the Association will pay the costs of the Referee amounting to £15.

APPEAL

This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Chairperson... *Royston Schafer*.....

Council Member... *Mr B Phillips*.....

Independent Member... *Mr A Rehmanwala*.....

Date of written reasons: 9th October 2018