

**PARTIES IN THE MATTER OF
HAMPSHIRE FOOTBALL ASSOCIATION**

-v-

**THOMAS EMMENCE
(CASE REFERENCE 9839373M)**

REASONS FOR DISCIPLINE COMMISSION DECISIONS

TUESDAY 30th APRIL 2019

INTRODUCTION

1. These are written reasons for the findings of a Discipline Commission held on behalf of Hampshire FA on Tuesday 30th April 2019, following a charge raised against THOMAS EMMENCE (TE). The charge is based on events alleged to have taken place at a fixture between Solent Flyers FC and Hill Park WMC on 7th April 2019.
2. The Discipline Commission members were Mr Keith Allen, Independent Member Hampshire FA Disciplinary Panel (Chair), Mrs Tracy Dowell Hampshire FA Council and Mr Paul Taylor Hampshire FA Council.
3. Mr Jon Fancy Hampshire FA Disciplinary Dept. acted as Secretary to the Commission.

CHARGE

4. By Hampshire FA Misconduct Charge Notification, dated 15th April 2019, the following charge was raised: FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

DETAILS OF THE CHARGE

5. The details of the charge against TE is that following his dismissal the player aggressively hit the referee's notebook and cards out of his hands.

PLEA

6. The Commission was informed by return of charge letter on 12th April 2019, TE had denied the charge and had asked for a personal hearing.

WRITTEN EVIDENCE

7. The written evidence available consisted of:

- a) A report from Match Referee Mr Michael Paintin (MP) dated 7th April 2019.

EVIDENCE

8. The Match Referee (MP) stated in his report that, "Upon receiving a red card, Thomas Emmence aggressively hit my note book and cards out of my hands. The strike wasn't hard + didn't hurt me, however I am obliged to report it because his strike hit me in the arm and in the stomach. I stood and watched him leave the field of play and continued the game as there were only 7 minutes left – but I am not happy with his conduct, I felt threatened and thought I was going to be assaulted."
9. The Match Referee (MP) attended the hearing and was questioned by TE:
 - i) Confirming that the notebook was knocked out of his hand by the hand of TE catching his arm and stomach in the process.
 - ii) He was questioned about the amount of corroborative detail in the report, MP replied he felt the report was detailed enough, he also confirmed that there were no marks and that he suffered no pain.
 - iii) TE asked questions about the incident that led to the sending off, which he clearly disagreed with and MP detailed events leading to the dismissal.
 - iv) In response to questions from the Commission, MP confirmed he had a red card in his right hand and notebook, with spare cards in the back in his left hand and that he was 100% certain that the player knocked the notebook out of his hand.
 - v) MP then informed the Commission that he immediately felt threatened, as his notebook had been knocked out of his hand and that after the game he was "shaken up".
 - vi) MP then confirmed it was straight red for the original incident and that the player was two yards in front and slightly to the left when the alleged physical contact occurred.
10. TE then informed the Commission that he had no intention to knock the notebook out of the referee's hand, which occurred due to a gesture of frustration at his dismissal.

- i) In response to questions from the Commission TE stated that he believed the first intention of the referee was to issue a yellow card, but a player shouted it should be a red. This caused more frustration when a red card was produced and TE admitted that he made contact with the hand holding the notebook, causing it to fall to the ground.
- ii) When asked why he had not produced any witnesses in his defence TE replied, "because everyone works and Pompey are playing."
- iii) When asked about the referee's attempt to shake hands after the game TE confirmed he refused and made the point about MP, "why would anyone want to shake hands with someone he felt threatened by."

11. TE then confirmed to the Commission Chair that he was satisfied he had received a fair hearing and made a final submission, in which he confirmed he had knocked the referee's hand causing the notebook to fall to the floor, but that is by accident caused by a gesture of frustration.

DELIBERATION

12. The Commission noted that:

- a) TE admitted making contact with the referee's hand, causing the notebook to fall to the ground.
- b) The referee confirmed the contact with his arm and stomach was not heavy, caused no injury or pain, but that he did feel threatened by the action and was shaken up.
- c) There were no witnesses produced in his defence by TE, to corroborate his version of events, leaving the only evidence that of the match official and TE himself.
- d) The referee was considered a credible witness, who gave his evidence calmly and clearly, it was also noted he did not attempt to embellish the incident merely reporting the facts and he recalled them.
- e) TE presented his case clearly and with some passion, as he felt his version of events more accurately described what had occurred, he too came across as a credible witness.
- f) However, by a majority decision the Commission were minded to prefer the referee's version of events and took into account TE's admission he did make physical contact the official.

DECISION

26. TE was informed of the decision and expressed disbelief, his chief concern being for his role as under 7 and under 10 coach with his son's football teams. He felt that it would be difficult to replace him in the event of a total ban from all football activities and that the teams may well have to fold. TE also stated he had no intention to continue playing football and that his main interest was now the coaching and improvement of young players.

27. TE once more left the room and the Commission discussed the sanction a length, noting that the suspension would commence immediately and cover the summer period.

28. The FA guideline for physical contact against a Match Official is 182 days plus up to a £150 fine, with a minimum of 56 days and a £50 fine. The Commission saw no reason to mitigate down from the recommended punishment, but with regard to the fine noted the contact was limited to the hand and notebook, only lightly connecting with the arm and brushing the stomach in the process.

29. The Commission also deliberated on the effect a total ban from all football activities would have on other parties.

SANCTION

30. The Commission unanimously decided to impose a playing ban of 182 days and fine of £100.

31. Seven penalty points were awarded against the record of Solent Flyers FC.

There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Keith Allen (Chair)

Tracy Dowell

Paul Taylor

1st May 2019

