

# **DISCIPLINARY COMMISSION**

*Sitting on behalf of the Middlesex Football Association*

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IN THE MATTER OF A NON-PERSONAL HEARING  
OF  
JOSE TEIXEIRA DA SILVA

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## **DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION**

### **BACKGROUND & HEARING**

1. The Disciplinary Commission ("the Commission") convened via WebEx video conference on 29 November 2018 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Middlesex FA against Jose Teixeira da Silva as a result of alleged misconduct in a match between Ruislip Town and West Sport London and Benfica on 27 October 2018.

### **THE COMMISSION**

2. The members appointed to the Commission were: -
  - i. Colin Stupack (Chair)
  - ii. Robin Filkins (Council Member of Middlesex FA)
  - iii. Peter Rogers (Independent member)
3. Kayleigh Saunders (Middlesex FA) assisted the Commission as Secretary.

### **THE CHARGE**

4. Middlesex FA charged Jose Teixeira da Silva as follows:

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

### **THE REPLY**

5. Jose Teixeira da Silva accepted the charge and confirmed he was content for the matter to be heard in his absence via correspondence.

## **THE RULES**

6. Pursuant to The FA Handbook 2018-19 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 EVIDENCE**

7. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
8. The documents before the Commission comprised of: an email dated 29 October 2018 from the club secretary of Ruislip Town, an email dated 8 November 2018 containing a statement from a spectator at the match (the mother of a Ruislip Town player), an email dated 5 November 2018 from the Referees' Secretary of the Middlesex County Football League and an undated email from the captain (who played in the match) of West Sport London and Benfica.
9. The documents consistently indicated that, after the conclusion of the match and in the car park area leading to the dressing rooms, Jose Teixeira da Silva had approached the referee after the conclusion of the match and had verbally abused the referee by shouting at him in a foul and offensive manner. When the referee turned away, Jose Teixeira da Silva then, without provocation, punched the referee to the back of the head, causing the referee to fall to the ground. The referee was then protected and escorted by players from Ruislip Town for his protection.

## **PREVIOUS DISCIPLINARY RECORD**

10. The Secretary confirmed Jose Teixeira da Silva had no previous misconduct offences on his record.

## **SANCTION**

11. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
12. The Commission found this to be unacceptable behaviour and required a substantial sanction to mark the gravity of the offence. The Commission noted that the physical contact took place on only one instance and also took into consideration the early guilty plea and the previous good record. However, the Commission noted that this action was cowardly, violent and unprovoked and took place after the match. Further, Mr da Silva had not played in the match, rather he had acted as a club assistant to the referee. Thus, he was in a position of responsibility and was not subject to the same emotional stresses as a player. It was also noted that no expressions of remorse, apology or mitigation had apparently been given or provided by Mr da Silva.
13. The Commission felt that the period of suspension recommended by The Football Association for cases of this nature was entirely appropriate in these circumstances. However, as the early guilty plea, coupled with the election for the case to be dealt with by way of correspondence had saved expense and inconvenience for all parties and had also avoided further stress for the referee, the Commission felt that a modest reduction could be made to the level of recommended fine.
14. The Commission unanimously decided to impose the following sanction:
  - i. Jose Teixeira da Silva is suspended from all football for 182 days.
  - ii. Jose Teixeira da Silva is fined the sum of £125.
  - iii. West Sport London and Benfica receive ten (10) penalty points on their Club disciplinary record.

### **APPEAL**

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

Colin Stupack (Chair )  
Robin Filkins  
Peter Rogers  
29 November 2018