

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf Middlesex Football Association in the case of

PROSPER EZEWUZIE

THE DECISION AND REASONS OF THE COMMISSION

Discipline Commission: Ifeanyi Odogwu, Independent Legal Panel Member.

Secretary: Paras Akhter, Anti - Discrimination Administrator

Date: 19 January 2020

Introduction

1. This is the decision and written reasons of the Discipline Commission considering the non-personal consolidated hearings of Prosper Ezewuzie ("PE").

Background

2. At all material times, PE was a Player for SNM FC
3. The incident arises out of Middlesex County Football League Sunday, Premier fixture on 8 December 2019 between SNM FC First v Club Assyria First Team.
4. On 13 December 2019, Middlesex Football Association (The County/The CFA) received an Extraordinary Incident Report Forms from the Referee (Christopher Fernandes). He reported:

After the final whistle, Prosper and the majority of the annoyed SNM team started surrounding me while other players were doing handshakes. Prosper was being very aggressive towards me by saying 'Don't call me stupid' while getting closer to my face. I stood my ground as the Club Assyria and some of the calm SNM players were trying to pull him away. As I took one step back as Prosper pointed at me, he turned his hand flat and tapped my face; Joseph started walking me away towards my bag, apparently, Prosper saw me smile and then said 'Smile again and watch' I had a shower just before I left Propser came and apologise for how he reacted

5. When the County requested further details, Mr. Fernandes reported:

*The same player said "f**king sh*t referee, I will see you in the car park and I know where you live." This is all I heard as I joined the commotion towards the end.*

6. The County also received a statement from Joseph Yousif, the Club Assyria Chairman

After the final whistle of the game, a few players of SNM approached the referee with a very aggressive manor, whilst surrounding him. Our team were at a far distance from the incident, but we realised what was happening so a few of my players and I, tried to calm the situation down. We were trying to pull some of the SNM players away from the referee. As we were doing that, I saw one of the players put the palm of his hand on the referee's cheek. He was also using very threatening language. This same player had been sin bin during the game. The referee was very shaken and frightened, we had to take him away from this situation, and I suggested that we should accompany him to the changing rooms as they were about 1/4 of a mile away from the playing fields. I personally suggested to him that I will drive him away from the grounds and I stayed with him until he changes and leaves the premises. Whilst I was waiting for the referee to come out, the manager of SNM asked me if he could speak to the referee, I said that I would have to be present during the conversation, because he was very shaken up and

didn't think he'd want to talk to the manager. I went and asked Chris Fernandes if he was willing to speak to the manager, which he then accepted. The manager called the player whom was involved in the incident and apologised to Chris and seemed to feel remorse [...]

7. By charge letter dated 20 December 2019, PE was charged with FA Rule E3 - Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).
8. The Charge sheet specified: "[...] Mr. Ezewuzie is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that the individual has made alleged physical contact against the Match Official in addition to using threatening and/or abusive language/behaviour."
9. PE, through his club SNM, admitted the Charge, and requested a non-personal hearing. The Club provided a written statement, stating:

The "players surrounding the referee aggressively" is incorrect. There was one of our player that was very annoyed at the referee for insulting him throughout the game by telling him to "shut up" and calling him an "idiot". The player did approach the referee very annoyed and started point his finger at the referee and repeatedly told him not to ever call him an idiot and thats when his pointing finger slightly touched the referee's face and the rest of us was trying to be peace makers between the two that have history of not liking each other in the past. The referee is very unprofessional and can't deal with the pressure to ref in this league. Its not the first time he has treated our team/some players unfairly and with no respect. Constantly telling our players to shut up and no one is allowed to talk to him or they will get booked when and he doesn't treat the opposing team the same. I am now convinced that the ref

has personal issues with a few of my players and can't ref our games correctly. I don't say this based on the past game but based on the last 3 games he has refereed our games in two season."

Rules

10. The Rule provides.

FA Rule 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."

11. The Handbook provides that physical contact or attempted physical contact examples include but are not limited to: pushing the Match Official, pulling the Match Official (or their clothing or equipment), barging or kicking the ball at a Match Official (causing no injury) and/or attempting to make physical contact with the Match Official (for example, attempting to strike, kick, butt, barge or kick the ball at the Match Official);

Decision on Sanction

12. The only issue for determination by this Commission was sanction, as PE admitted the charge.

13. In arriving at a decision on which sanction to impose, I had at the forefront of my mind the principle of proportionality.

14. I also took into account the misconduct history. PE did not have any previous misconduct record, which I considered good mitigation.

15. Recommended Punishment for Physical Contact against a Match Official is 182 days plus up to £150 fine but minimum 84 days & £100 fine.
16. Credit was applicable as mentioned above, PE admitted the Charge.
17. This was a serious charge. There is no dispute that PE aggressively confronted and made physical contact with the Referee, and he also threatened him verbally. The Referee was reported to have been “very shaken and frightened”.
18. The sanction I impose against PE is the recommended **160 days suspension from all football and football activity and fined £100**, after applying credit for the admitted charge, aforementioned mitigation and aggravating factors. This will commence and be backdated to the beginning of the sine die suspension.
19. 7 Penalty Points to the Club.

Conclusion

20. The decision is subject to the right of appeal under the relevant FA Regulations.

Ifeanyi Odogwu (Chairperson)

5 January 2020