

DISCIPLINARY COMMISSION

Sitting on behalf of the Middlesex Football Association

IN THE MATTER OF A NON-PERSONAL HEARING
OF
RADWAN MEHDAOUL

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

1. The Disciplinary Commission ("the Commission") convened via WebEx video conference on 14 December 2018 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Middlesex FA against Radwan Mehdaoul as a result of alleged misconduct in a match between Eastcote Rangers First and Popeye First on 2 December 2018.

THE COMMISSION

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

THE CHARGE

4. Middlesex FA charged Radwan Mehdaoul 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. Radwan Mehdaoul did not respond to the charge and thus the matter was 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 BURDEN AND STANDARD OF PROOF

7. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not. Therefore, if the evidence is such that the Commission can say 'we find it more probable than not' the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

8. 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.
9. The documents before the Commission comprised of: The Referee's report and an email from an official of Eastcote Rangers dated 5 December.
10. The Referee's report indicated that he had been shoulder charged from behind, knocking the Referee to the ground. Whilst on the floor the Referee had turned and was able to identify Mr Mehdaoul as the perpetrator, as Mr Mehdaoul had previously been cautioned in the match. The Referee also observed that Mr Mehdaoul was standing over him, smiling and saying sorry ref. The Referee was in no doubt that Mr Mehdaoul's action was deliberate, having regard to the level of force used.

11. The email referred to in paragraph 8 above was of little relevance, as the writer was not in attendance at the match and his team's players were uncertain as to the circumstances of the incident.

FINDINGS

12. The Commission unanimously found that the charge was proved. The Referee's report was accepted in its entirety and no defence to the charge had been submitted

PREVIOUS DISCIPLINARY RECORD

13. The Secretary confirmed that Radwan Mehdaoul had no previous misconduct offences on his record.

SANCTION

14. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
15. 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 that the Referee did not consider that the offence warranted the abandonment of the match. Indeed, the Referee was prepared to continue. The Commission also noted the previous unblemished record of Mr Mehdaoul. However, the Commission felt that this action was cowardly and unprovoked. It was also noted that no expressions of remorse, apology or mitigation had apparently been given or provided by Mr Mehdaoul.
16. The Commission felt that they could, in all of the specific circumstances of the case, apply a modest reduction to the period of suspension recommended by The Football Association for cases of this nature.
17. The Commission unanimously decided to impose the following sanction:
 - i. Radwan Mehdaoul is suspended from all football for 140 days.
 - ii. Radwan Mehdaoul is fined the sum of £130.
 - iii. Popeye receive ten (10) penalty points on their Club disciplinary record.

APPEAL

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

Colin Stupack (Chair)

Annette Sennett

Steve Williams

16 December 2018