

## **DISCIPLINARY COMMISSION**

*Sitting on behalf of the Norfolk County Football Association*

### **IN THE MATTER OF A NON-PERSONAL HEARING**

of

**MR LUKE TYLER  
OF EATON FC**

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### **THE COMMISSION'S DECISION AND REASONS**

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#### **BACKGROUND & HEARING**

1. The Disciplinary Commission ("the Commission") convened via WebEx video conference on Tuesday 12<sup>th</sup> March 2019 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Norfolk County FA against Luke Tyler as result of alleged misconduct in a match between Aylsham FC and Eaton FC on Sunday 30<sup>th</sup> December 2018.

#### **THE COMMISSION**

2. The members appointed to the Commission were :-
  - i) Trevor Cobb (Council Member of Norfolk County FA)
  - ii) Raffi Coverdale (Independent Member)
  - iii) Michael Utting (Council Member of Norfolk County FA)
3. Matt Lemmon (Norfolk County FA) assisted the Commission as Secretary

## **THE CHARGE(S)**

4. Norfolk County FA charged Luke Tyler as follows :-
  - i) Breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour)
5. The particulars of the charge against Luke Tyler are that it was alleged that after being sent off, he responded aggressively, approaching the Referee saying “are you really going to send me off for that?” before being restrained by another player. This led to the Referee taking steps back from the situation and made him feel threatened by his actions.

## **THE REPLY**

6. Luke Tyler denied the charge and having initially requested a personal hearing it was confirmed via email on 23<sup>rd</sup> February that he was content for the matter to be heard in his absence by correspondence.

## **THE RULES**

7. 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**

8. 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 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

9. 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.
10. The documents before the Commission comprised of:
  - i) A copy of the Referee's report
  - ii) A further email from the Referee dated 2<sup>nd</sup> January 2019
  - iii) A signed response to the charge from Luke Tyler
  - iv) Witness statements from Luke Tyler, Jeff Smith, Simon Jones, Neil Bajomee and Nicholas Sherwin
11. The Referee's report indicated that having been shown a red card '*Luke Tyler has now taken steps onto the pitch approaching myself saying "are you really going to send me off for that?" He continued to approach myself and eventually was restrained by another player. My initial thoughts were that my safety was in endangered and I feared a punch from Luke Tyler therefore was forced to take several steps back to remain a safe distances [sic]*'
12. In response to an email from Matt Carpenter of Norfolk FA requesting additional information, the Referee stated that '*...Luke Tyler was around 1-2 yards from me...'*. He further stated '*...Personally it shook me for sure. I felt adrenalin shakes and worry for a little while after, I certainly felt in danger due to the length of time he was allowed to approach me (around 20 seconds) before being restrained...'*  
  
*...the look he gave me was of hatred, the pointing of the finger was vigorous and the clenching of his fists in particular when approaching thankfully I was able to read the situation and retreat far enough...'*
13. In response to the charge, Luke Tyler submitted a typed statement, stating '*...he called me back gave me a red card I argued with no malicious intent at all then sat*

*down mumbling to myself and team mates "what a joke" at no point did I attempt to punch Mr Golder. In Mr Golders statement he mentioned he saw me jump up from the bench to march through a crowd of players coach staff which was incorrect I was not sat on the bench as I had a leg cramp which is why I was substituted, I was stood on the touch line with 4-5 others. It was also mentions I was 1-2 yards from him, at no point was I any closer than 5 yards to his person and at no point was I physically restrained by anyone...[sic]'*

14. In his witness statement Neil Bajomee, manager of Eaton FC, said '*...Luke Tyler then said "That's a fucking disgrace" (aimed the flag by the linesman). He had not jumped up from the bench and stormed forward. He was already in the group of 5 people stood there (he had been substituted due to a dead leg). At this point there was shouting and jeering from the Aylsham bench (not mentioned in the report), I, as Manager, was making sure the coaching staff member was leaving the side of the pitch when I realised that the Referee had also shown a red card to Tyler. He had then approached the Referee and pointed at him. His fist would have only been clenched as to point not to threaten a punch. He was only on the field of 5 seconds at most before being removed...'*
15. The Commission Members also carefully read and considered the statements provided by Jeff Smith, Simon Jones and Nicholas Sherwin.

## **FINDINGS**

16. The Commission Members reminded themselves that for the charge to be proven, on the balance of probabilities, the following must be taken into consideration :-
  - i) Did Luke Tyler act as reported by the Referee?
  - ii) Did this conduct amount to a breach of FA Rule E3?
17. The Commission first considered the alleged actions of Luke Tyler and noted that he had denied the charge. The Commission reminded itself that the original actions including the foul and abusive language had been dealt with by means of a red card and therefore were not part of this misconduct charge. The Commission further considered the report submitted by the Referee and found this to be a well written and very clear account of the allegations; in particular the additional

evidence presented which gave further informative details of the incident. The Commission noted that the Referee stated that he had feared for his safety and felt intimidated by the whole situation.

18. In his response the Commission noted that Luke Tyler stated he had been substituted due to an injury and as such was not able to sit down. However it was also noted that in his statement he made reference to the fact that he got up to approach the Referee and then sat down on 2 occasions, contradicting his own account of the events. By his admission after being shown the red card Luke Tyler did argue with the Referee and also mumble to himself.
19. The Commission noted that in the witness statement provided by Neil Bajomee he made reference to the fact that Luke Tyler approached the Referee and pointed at him and said that his fist would only have been clenched as to point not to threaten, suggesting that Luke Tyler had indeed clenched his fist at one point, albeit there was then a difference in opinion between the Referee and Neil Bajomee as to why.
20. Having carefully considered all of the evidence, the Commission found it more likely than not that Luke Tyler did commit the threatening action alleged by the Referee after the sending off. In arriving at its decision the Commission noted the clear account provided by the Referee as well as the inconsistencies in the witness statements submitted in defence of the Charge, together with the admission in those statements that the atmosphere was volatile
21. In summary, the Commission unanimously found the Charge against Luke Tyler to be proved.

#### **PREVIOUS DISCIPLINARY RECORD**

22. The Secretary confirmed Luke Tyler had no previous misconduct offences on his record.

#### **SANCTION**

23. The Commission carefully considered all the relevant FA Rules and the Sanction

Guidelines issued by The FA.

24. The Commission found this to be an unacceptable action on the part of Luke Tyler.
25. The Commission noted that the recommended sanction for a proven offence is a 12 match suspension and up to a £100 fine. In considering the sanction to impose, the Commission took into account the fact that the Referee clearly stated that he felt “in danger” due to the actions of Luke Tyler. By way of mitigation, the Commission considered that the Participant had a previous clean disciplinary record and had apologised to the Referee on the day. The Commission also considered that the comment made by Luke Tyler was not in itself threatening and furthermore that the actions of player, whilst clearly unacceptable, were controlled by his Club who removed him from the situation.
26. Taking all of the circumstances into account and remembering the recommended sanction guideline for this offence, the Commission unanimously decide to impose the following sanction :-
  - i) Luke Tyler is fined the sum of £50.
  - ii) Luke Tyler is suspended from all football activity for 7 matches.
  - iii) Eaton FC receive seven penalty points on their Club disciplinary record.

## **APPEAL**

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

Trevor Cobb (Chair)

Raffi Coverdale

Michael Utting

20<sup>th</sup> March 2019