

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

NON-PERSONAL HEARING

of

LUKE MCCORMACK

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. The Disciplinary Commission ('the Commission') was appointed to determine proceedings brought against Luke McCormack, by Oxfordshire FA.
2. The Disciplinary Commission was constituted of a single member, Mr Resh Sohota, an Independent FA appointed Chair.
3. Following an alleged incident which occurred in the match between Kidlington FC and Long Crendon First, Mr McCormack was issued with a Misconduct Charge Notification letter dated 26 January 2024.

The Charge

4. Mr McCormack was charged with a breach of FA Rule E3 – Assault by Participant on Participant. More particularly, the Charge alleged that Mr McCormack used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault by a Participant on another Participant as defined in FA Regulations. This refers to the allegation that Mr McCormack struck a Long Crendon player.
5. Mr McCormack was also charged in the alternative with a breach of FA Rule E3 - Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

6. Mr McCormack was given until 2 February 2024 to reply to the charges. Mr McCormack responded on 1 February 2024, accepting both the primary and alternative charges against him and requested that the matter was dealt with by way correspondence. Accordingly, the matter has be dealt with by me, sitting as a Chair alone, on a Non-Personal Hearing basis.

The Rules

7. The relevant section of FA Rule E3 states:

“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.”

8. With reference to Assault by Participants on other Participants being outlined at Regulations 104 and 105, which state, inter alia:

‘If a report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a Match, the Affiliated Association shall without delay investigate the Referee’s report.

Following the investigation, the Affiliated Association, if it is satisfied that a prima facie case can be made out against the alleged offender, may:

105.1 issue a Charge; and

105.2 may issue an Interim Suspension Order in accordance with paragraph 113 below against the alleged offender from all football activity until a Disciplinary Commission has adjudicated on the matter.”

Evidence

9. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished regarding the case within these proceedings.

10. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been transcribed as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.
11. The evidence which the County FA relied upon in support of the charge against CO consisted of:
 - i. Email correspondence between Police Constable Holly Brown of Thames Valley Police, Bob Dalling the Secretary of UHlsport Hellenic League and Brian King, the Football Operations Manager of the UHlsport Hellenic League.
 - ii. A witness statement authored by Oliver Lethbridge, the Long Crendon player who was subjected to the assault.
 - iii. Several letters from Oxford University Hospital, outlining the injuries which Mr Lethbridge sustained, the treatment he received and the prognosis.
12. Police Constable Brown sent an email to Mr Dalling on 13 December 2023, in which she states, inter alia:

I am a police officer from Oxfordshire South and Vale and have been looking into an assault that occurred during a match on 28 August 2023 at Yarnton Road Stadium, OX5 1AT. The offender has admitted liability and confirms that the assault was intention – therefore we are looking to issue a conditional caution.

The details of the incident are this –

Luke MCCORMACK has struck Oliver LETHBRIDGE in the back of his neck with his upper body – it is unclear whether this is a head-butt or shoulder barge however MCCORMACK has admitted to purposely striking him. This has caused the victim to receive a tendon injury to his neck that has resulted in temporary paralysis and nerve damage. The victim had to wear a neck brace for 8 weeks in which time he was unable to perform simple tasks such as wash himself and eat and had to take time off work resulting in financial loss. He is still affected by the nerve damage and still suffers with pain in his thumbs – it is unknown at this time if this will be a permanent consequence of the injury.

I have spoken to the team manager of the victims team – LONG CRENDON. Who has stated the MCCORMACK has been an issue during many matches and this furthers that fact.

Therefore it is my strong suggestion that LUKE MCCORMACK OF KIDLINGTON RESERVES receives a ban for his actions and should not be allowed to play in the Hellenic League....’

13. Mr Dalling and Mr King both separately replied to PC Brown. Mr Dalling responded on the morning of 13 December stating, inter alia:

‘.....I must admit that this is the first I have heard of this incident. Maybe it has been handled by another member of our Management Team. I have copied our Football Operations Manager, Brian King and Chairman, Bill Beach, in case there is action already in place.....’

14. Mr King replied on the afternoon of 13 December 2023, stating, inter alia:

‘....The content of your email is noted together with the action you have detailed from this incident. As such you have completed your investigation onto the matter and issued an official caution to the perpetrator, Luke McCormack.

The football authorities have also taken action as a match incident was reported by the match referee to the CFA concerned as an SO6 offence, of violence and the Football Association standard tariff of a TWO match suspension from football involvement was imposed, together with a financial penalty being imposed.

I hope this assists you..’

15. PC Brown replied on 15 December 2023, stating, inter alia:

‘....The assault has left devastating effects on the victim and I am not particularly satisfied that a two match suspension reflects this. I believe it would be in the best interest for the victim of this case and to prevent any further offending that this is looked into further a high level assault has occurred and I not convinced that the offender won't do something like this again.

Please let me know your thoughts..’

16. Mr Lethbridge authored a witness statement dated 5 January 2024. It states:

'Here's a summary of events and dates with what happened at hospital starting from when the incident occurred:

28/08/2023 - I was assaulted by Luke McCormack. I competed for a ball and lost the header. I turned away and followed the ball and was head butted from behind in the neck which paralysed me for around 2 minutes, I was taken straight to A&E by Gerald Reilly. (This was caught on camera/VEO)

30/08/2023 - Discharged from hospital with the help of my family. I had to continue wearing a neck brace up until further notice. I had a 2 week check up booked with the John Radcliffe. I was unable to feed and wash myself within this time period and my wife had to take care of me until I was able to do it myself.

14/09/2023 - I went back to the John Radcliffe for my 2 week check up. I had another x-ray and consultation with a doctor. I was told to keep the neck brace on for a further 4 weeks (6 weeks in total) and had another appointment booked.

09/10/2023 - I returned back to hospital for another X-ray and was told I could take the neck brace off. I was given a Softer neck brace to wear around the house but didn't have to wear it permanently. I still continue to have pain in my thumbs from the nerve damage and my neck is still sore. I was informed the nerve damage could take 3 months up to a year to heal fully. I was discharged from the clinic and had a physio appointment booked. I had a doctors note that I could return to work after 2 weeks from his date.

12/10/2023 - Physio appointment at the Merlin Centre, High Wycombe. The physio informed me that my spine looked healthy and repeated that the nerve damage can take a long time to heal and has given stretches to do while they are healing. She explained the MRI showed bruising on my neck which would explain the nerve damage and temporary paralysis when the assault happened.

23/10/2023 - Returned to work. I have to inform the hospital if my health gets worse. I still continue to have pain in my thumbs and still unsure when this will get any better. I have been told by a doctor that nerves can take up to a year to heal.

The police are involved and have been investigating this. The investigating officer that been has been directly handling my case has informed me that Luke has been interviewed and is being charge with assault. I am currently

waiting on the final outcome but it has been progressing. I have the Police Officers contact details if they are required'.

17. As aforementioned, Mr Lethbridge provided supporting medical evidence as follows:

- i) A discharge summary dated 30 August 2023, confirming an admission date of 28 August 2023 and presenting injury as back pain and pins/needles in arms. It notes that Mr Lethbridge was hit on the back from another player while playing football and that he was unable to move upper limbs for 2-5 minutes afterwards. It also notes that he has ongoing hyperaesthesia in C6 since and the MRI showed a hyperflexion injury with sprain of interspinous ligaments at C5/6 and C6/7 and a contusion of the right C4 lateral mass.
- ii) A letter following, a follow-up appointment at the Spine Clinic dated 14 September 2023. The letter states that the management plan is for Mr Lethbridge to keep the cervical collar on for 4 weeks and for a further review in 4 weeks. Mr Lethbridge reported much improved pain and an improvement from the C6 hyperaesthesia.
- iii) A letter dated 17 October 2023, detailing a follow-up appointment at the Spine Clinic on 9 October 2023. It reports a good range of neck movement with no pain and advises that the collar should continue to be worn for a further two weeks and continue physiotherapy. Mr Lethbridge was discharged from the clinic with a note signing him off work, for two weeks.
- iv) A copy of the statement of Fitness for Work, stating that Mr Lethbridge is not fit to work for a period of two weeks from 9 October 2023, previously referred to.
- v) A letter confirming that Mr Lethbridge had a physiotherapy appointment on 12 October 2023.

18. Mr McCormack did not provide any documents in response to the charges, save for completing a pro-forma confirming that he accepts the charges.

19. For the avoidance of doubt, the Commission, having considered all the evidence was satisfied that Mr McCormack's actions did cause *serious bodily harm*, to Mr Lethbridge, as required for the test to be met in a case concerning Assault by Participants on other Participants.

20. Given that Mr McCormack accepted the primary charge against him, the Commission was not required to consider the alternative charge.

Sanction

21. The Commission had regard to the FA Sanction Guidelines and the FA Disciplinary Regulations 2023/24 generally.
22. The FA Sanction Guidelines issued for disciplinary proceedings (at the level of Mr McCormack's club and the match during which the offence was committed). The guideline suspensions for assaults by a Participant on another Participant are stated as 140 days for a Low level of seriousness, 1-2 years for Medium and 5 years for High.
23. The Commission wishes to make it unequivocally clear that this is extremely serious misconduct. Mr McCormack's actions caused Mr Lethbridge suffered temporary paralysis and cervical spinal injuries. As a result, Mr McCormack was admitted into hospital for 2 days, was unable to feed himself, wash himself or attend work for several weeks. Mr Lethbridge states that he still suffers with pain in his thumbs following the injury. This assault clearly had a very significant impact upon Mr Lethbridge's daily life, and he still suffers with ongoing pain.
24. Mr McCormack has not shown any remorse for his actions which does not aggravate this offence, but is quite astonishing given that he is aware of the effect that his actions have had on Mr Lethbridge.
25. As to mitigation, Mr McCormack is entitled to recognition of previously having an unblemished misconduct record. The Commission has also given Mr McCormack credit for his guilty plea. There were no other mitigating factors.
26. The Commission again wishes to emphasise how serious this misconduct is. It has no place on a football field or in any walk of life.
27. Taking all the above into consideration, the Commission imposes a suspension of **2 years 6 months.** In terms of a fine, the sum of £150 is mandatory. Disciplinary points are levied against Kidlington FC to reflect the gravity of the charge.
28. For the reasons set out above, the following sanction is imposed:
 - i. Mr McCormack shall receive a suspension from all footballing activity for 2 years 6 months. If an Interim Suspension Order was

issued the ban shall be backdated to the date that the Interim Suspension Order was imposed upon Mr McCormack.

- ii. Mr McCormack shall pay a fine of £150.
- iii. Kidlington FC shall receive 10 club disciplinary points.

29. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Mr Resh Sohota

5 February 2024