

**IN THE MATTER OF
SURREY FOOTBALL ASSOCIATION**

-v-

**MELVIN GREER
(CASE REFERENCE 11340310M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISIONS
MONDAY 2nd OCTOBER 2023**

INTRODUCTION

1. These are written reasons for the findings of a Disciplinary Commission ('the Commission'), held on behalf of Surrey FA (SFA) on Monday 2nd October 2023. The Commission met by video conference (Microsoft Teams) to consider a charge of improper conduct against Melvin Greer (MG), a player with Woking Veterans (Woking). The offence is alleged to have taken place during a friendly fixture ('the match/game'), between Woking and Yateley United Veterans (Yateley), on Sunday 13th August 2023.

PARTIES

2. The Commission members were Anthony Rock (Chair), Sue Henson-Green and Andrew King (all members of the Football Association's National Serious Case Panel).
3. John Lilburne (Staffordshire FA), a member of the FA's National Secretaries Panel, acted as Secretary to the Commission.

MISCONDUCT CHARGE NOTIFICATION

4. By SFA Misconduct Charge Notification dated 11th September 2023, the following charge was raised:

Charge (MG) - FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

FA RULE E3

5. The relevant section of FA Rule E3 (The FA Handbook Season 2023-2024, Chapter 10, Part E, Paragraph E3.1) states:

E3.1: 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.

CHARGE

6. It is alleged that MG used 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 threatening behaviour against a Match Official as defined in FA Regulations. This refers to the allegation that, following his dismissal from the field of play, MG re-entered the field and confronted the Referee. He is alleged to have said, *'we'll see won't we, you wait, I'll see you later'*, or similar. As a result of the alleged comment, the Referee, feeling threatened by the comment, abandoned the game.

PLEA

7. On 14th September 2023, via the FA's Whole Game System, MG pleaded not guilty to the charge and requested a personal hearing.

WRITTEN EVIDENCE

8. The written evidence available to the Commission consisted of:
- a. FA Extraordinary Incident Report Form dated 14th August 2023, submitted by the Referee, Ian Kitchen.
 - b. E-mail exchanges, dated 16th and 28th August 2023, between Lee Cooke (Secretary, Woking) and Richard Garland (SFA).
 - c. Further e-mail exchanges, dated 4th and 5th September 2023, between Lee Cooke and Richard Garland. The exchanges included a statement from John Gadd (Manager, Woking).
 - d. Undated statement submitted by the participant, MG.
 - e. SFA Misconduct Charge Notification (MG), dated 11th September 2023.
 - f. FA Whole Game System response dated 14th September 2023, showing MG's not guilty plea.
 - g. FA written agreement to the case being heard by no later than 6th October 2023.

EVIDENCE IN SUPPORT OF THE CHARGE

9. In support of the charge the Commission heard evidence from the Referee, Ian Kitchen. In addition to his written statement, he gave oral evidence as follows:
- a. The Referee said he has been refereeing for about 25 years. He did operate at Level 4 but is now a Level 5 Official. This was a friendly fixture and he was asked to referee the game by the team managers. He had refereed both teams lots of times before and knew many of the players, including MG. He may have cautioned or sent off MG in the past, but couldn't remember any of the details. Over the years he had sent off many players and had no issues or problems with any one specific player. He certainly had no history with MG.

- b. There was an incident in the second half involving a Woking player (Dean Harris) and one of the opposition players from Yateley. Whilst nothing to do with him, MG started to voice his opinion to the Referee about the incident. The Referee stated he had his back to MG when this started. At this point the Referee and MG were between the centre circle and 18-yard area. MG was offering his opinion: the Referee tried to talk and explain the decision to MG, but MG continued to rant at him. The Referee showed him a yellow card and sent him to the sin bin (dug out). MG left the pitch, still ranting, chirping and making comments. Having left the field of play, the Referee stated that MG's comments continued, MG shouting '*whatever*' on one occasion. The Referee followed MG over to the sin bin and from about 5 yards away showed him a red card.
- c. The Referee then returned to the field of play to re-start the game, walking away from MG with his back to him. The Referee heard a commotion and turned round to see MG back on the pitch, taking large steps at pace and '*driving towards him*', hunched over and still making comments. It was definitely MG who was approaching him and not the other Woking player he had sent off (Dean Harris). He heard MG say a number of times, probably three, four or five times, '*you wait, I'll see you later*'. The Referee confirmed he did not believe MG had sworn whilst shouting at him. MG ended up about 10-15 yards from the Referee and had to be held back by an opposition player. The Referee said he felt threatened by MG's '*wait and see*' comments and so decided to abandon the game. When asked, the Referee confirmed he was 100% sure MG was directing the comments to him. MG continued to make comments, shouting at the opposition player about a previous issue he'd had with the Referee. The opposition player kept telling him to shut up. The Referee was keen to get away from the situation so collected his bag from the side of the pitch and quickly left the area. The Woking Captain (Jack Tait) later phoned him to apologise for what had happened. He couldn't remember if Jack had made the call on the day of the match or the following day.
- d. During questions, the Referee said that he sent off two Woking players (Dean Harris and MG) at the same time. Both players were initially sent to the sin bin for questioning his decisions and shown yellow cards. There was so much going on that he couldn't remember exactly what the red cards were for but thought they were because both players continued chirping and making abusive comments about his decisions. He didn't think either of them made any insulting or offensive comments. He 100% remembered showing both players yellow and red cards.
- e. When asked by the Commission how threatened he felt by MG's comments, the Referee said that he had been attacked before when officiating and wasn't going to allow MG to attack him. He confirmed he felt threatened and feared for his personal safety. He thought it was a '*decent*

place’ to stop the game. He returned to refereeing straight away after the incident and has suffered no ill effects. The Referee remarked that, in light of MG’s conduct following his dismissal, both sets of players supported his decision to abandon the match.

EVIDENCE IN DEFENCE OF THE CHARGE

10. In defence of the charge, the Commission heard evidence from the participant, MG. In addition to his written statement, he gave oral evidence as follows:
- a. MG said that, in regard to what happened in the second half, the Referee was confused and didn’t know what he was doing. He showed one yellow card which was to him, MG, but didn’t show any other cards. MG was adamant his Club could confirm that. The incident started when one of the opposition players tried to back up into Dean Harris and Dean turned his shoulder towards him. The Referee saw this and, as a result, turned round to the Woking Manager and said, *‘get this guy off before I do’*. Dean left the pitch not knowing why he had been told to leave. MG wasn’t sure if Dean was replaced by another player, but thought that he had been. He didn’t think Dean had done anything wrong so questioned the Referee. The Referee then showed MG a yellow card and told him to also leave the pitch. MG made his way to the dugout thinking the Referee had sin binned him. As he walked towards the dugout the Referee followed him, about 15 yards behind.
 - b. MG thought Woking now had two players in the sin bin, himself and Dean Harris. MG started talking to Dean Harris in the dugout. The Referee then approached them. MG said that he called the Referee *‘out’* about the action he had taken against Dean. He thought the Referee had lost the plot and told him to *‘just go and referee’*. Dean and the Referee then exchanged some non-aggressive comments. Dean, thinking he had been cautioned and not sin binned, said *‘if it’s a yellow I’ll come back on’*, and jogged back onto the pitch. The Referee then showed him a red card. MG didn’t understand why Dean had been sent off for re-entering the field of play, it didn’t make sense. MG thought the Referee knew he had made a mistake and in some bizarre way was trying to ensure that the game didn’t continue with 10 v 11 players. The Referee was clearly confused.
 - c. Early on in giving his evidence, MG stated to the Commission, quite categorically, that *‘no red cards’* had been shown at all by the Referee, whether to himself or Dean. As MG continued to give his evidence, MG’s evidence evolved and he subsequently confirmed, as is set out in the above paragraph, that Dean had been issued with a red card.
 - d. The Referee then re-started the game. MG’s evidence was that he was talking to others within close proximity at that time but not making any direct comments to the Referee. In contrast with the Referee’s evidence, MG’s evidence was that it was the Referee who continued to make comments to MG whilst he was in the dugout, telling him to *‘keep your mouth shut’*. MG states

that he was told to '*watch it*' by an opposition player, as the Referee was '*a big lad*'. MG responded to the player by saying, '*behave he would wear it*'. He explained to the Commission that this quote meant he would win any fight against the Referee. MG said he was simply making a comment about defending himself in the event that the Referee was to '*get physical*'. MG added that the Referee heard the comment and, in his opinion, took exception to it. MG being of the view that it was this comment that triggered the abandonment. MG said he could see why the Referee might have taken the comment '*the wrong way*'. The Referee then abandoned the game, spoke to the managers and walked off. MG said that no one was close to the Referee when he abandoned the game and both he (MG) and Dean Harris were in the dugout when the game was abandoned, MG having never re-entered the field of play. As the Referee abandoned the game a number of players from both teams started going at each other verbally.

- e. When questioned further by the Commission, MG said that it was not him who re-entered the field of play from the dugout to make comments to the Referee, it was his team-mate Dean Harris. The Referee's comment that he, MG, had to be held back just wasn't true because he personally remained in the dugout and did not re-enter the pitch. At no stage did he make any comments to the Referee about, '*see you later*', and he didn't hear anyone else make such comments. No one made a direct threat to the Referee. MG thought the words, '*you wait*', could have been said but he didn't hear them. MG agreed that he should not have questioned the Referee but denied making any threatening or abusive comments to him. MG said that he has a history of sin bins with this Referee and was trying to make a point.
- f. MG said that John Gadd's written statement was 100% wrong when stating that it was him, MG, who had tried to come back onto the pitch. It was not him, it was Dean Harris. Because he had already told John that he was done with playing football, John may have decided to shield/cover for Dean Harris. By removing him (MG) from the match day squad, MG thought that John Gadd was clearly playing politics and '*throwing me under the bus*'. MG said that he was able to play for any of the Woking teams, so being left out of one squad was just irrelevant. Whilst he had played for the Club for over two seasons, this was his first game for John Gadd, and John probably didn't know him. MG suggested that although there was a clear height difference between himself and Dean Harris, John may have been confused and had identified the wrong player. MG said he was '*pissed off*' that he had been accused of re-entering the field of play and that John Gadd was clearly intent on getting Dean Harris' punishment reduced.
- g. When asked by the Commission if he had seen John Gadd's statement, MG said that he was aware of it but didn't think it was relevant. He had spoken to the owner (Lee Cooke) about the

case and Lee had asked him if he wanted a personal hearing. MG said that he didn't think there would be such a mix up with the evidence (in respect of mistaken identity) so said to Lee that he wanted a personal hearing but didn't think it necessary to call any witnesses in his defence. He was keen to point out to the Commission that the Referee's insistence when giving verbal evidence that he was 100% sure of some facts, particularly in regard to the sending off of both players, clearly meant that he was not telling the truth. MG was also keen to point out that the Commission should contact Dean Harris if they wanted the truth. At the conclusion of his verbal evidence, MG was asked by the Chair if he had presented all the evidence he wanted to be considered. MG replied 'no' he hadn't and asked the Commission to now contact Dean Harris so that he could give evidence. The Chair informed him that the Commission would not be contacting Dean Harris and that if MG had wanted Dean to give evidence then he should have approached him prior to the hearing.

MG's CLOSING REMARKS/SUMMARY OF HIS CASE

11. MG said he did not wish to summarise his case and had no closing remarks.

SUMMARY OF EVIDENCE

12. The foregoing is a summary of the verbal and written evidence provided. It does not purport to contain reference to all the points made. However, the absence in these reasons of any particular point or submission should not imply that the Commission did not take such point or submission into consideration.

13. There were three different versions of events put forward regarding what action the Referee took against MG and Dean Harris. Those versions were from MG himself, the Referee and John Gadd. The Referee said he had shown both players red and yellow cards, and was clear that he had sent off both players. He couldn't remember the specific details regarding the red cards. In his written statement, John Gadd wrote that the Referee sent off MG but makes no mention of Dean Harris. MG said that the Referee was confused about what action he had taken and didn't know what he was doing. In his verbal evidence, MG initially said that the only card shown by the Referee was a yellow to him, but then stated that the Referee sent off Dean Harris, showing him a red card. MG appeared totally focussed on the yellow and red cards rather than the threatening comment he is alleged to have said to the Referee. The three witnesses who could have corroborated what happened (Dean Harris, Jack Tait and the Yateley player mentioned in the Referee's written statement) submitted no evidence. From the evidence available to them the Commission was not able to conclude with any confidence the chronology of events prior to the game being abandoned, nor what cards the Referee had issued.

14. The Referee was sure that it was MG who went back on to the field of play to confront him. He

was also sure that it was MG who made threatening comments to him. John Gadd stated that it was MG who tried to go back on to the pitch, making no mention of Dean Harris. MG said he made no attempt to re-enter the pitch and remained in the dugout throughout the incident. It was his teammate, Dean Harris, who had gone back onto the pitch. MG admitted that he continued to question and make comments to the Referee from the dugout area, but disagreed that his comments were either threatening or abusive. He believed the Referee had heard his comments from the dugout and taken exception to them. He thought that is why the Referee decided to abandon the game. It was also MG's view that, in order to protect Dean Harris from punishment, John Gadd had decided to throw MG under the bus. Whilst, in his written evidence, MG makes reference to the Referee possibly being a racist and that is why he took action against Woking's black players (himself and Dean Harris), he made no mention of that in his verbal evidence and offered no further evidence on the subject matter. During the hearing, MG's case moved from the Referee having a vendetta against him, with a racial undertone, to one of mistaken identity.

FINDINGS

15. The burden of proof is on the County FA, meaning it is for SFA to prove the case to the applicable standard. The applicable standard of proof in these cases is the civil standard of the balance of probability, sometimes referred to as the 51% test. The balance of probability standard means that the Commission must be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.
16. The Disciplinary Commission concluded that the Referee was a credible witness but determined that his actions probably compounded the situation. It was probable that his previous experiences during games, when he admitted to being attacked, caused him to abandon the game very quickly when under no immediate physical danger from MG. The Commission determined that, in places, some of MG's evidence did not make sense and that his comments in regard to John Gadd were difficult to understand, had no basis and appeared irrational. John Gadd's statement actually supported MG's version of events that the Referee, at times, had lost track of what he was doing and was confused. The Commission concluded, based on the Referee's evidence, supported by John Gadd's version of events, that it was MG who re-entered, or tried to re-enter, the field of play and that it was him who made threatening comments towards the Referee.
17. On the evidence available to them, and based on the balance of probability, the Disciplinary Commission unanimously found the charge against MG of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour), **proven**.

FA SANCTION GUIDELINES

18. The Disciplinary Commission considered the FA Sanction Guidelines/Regulations and

categorisation of the offence, before then hearing MG's disciplinary record and his plea for leniency.

- FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour): suspension from all football activities for a period of between 56 and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors is 112 days. A fine of up to £100, with a mandatory minimum fine of £50. An order that the Participant completes an education programme before the time-based suspension is served.

DISCIPLINARY RECORD/PLEA FOR LENIENCY

19. Before hearing his disciplinary record, MG informed the Commission that he had no wish to continue with the hearing and would be appealing the decision. He always thought the Commission would find the case proven. He had no intention of playing football again this season and would not be paying any fines imposed. The Chair asked MG on two occasions if he was sure he wanted to leave the hearing. MG confirmed on both occasions that he did. The Chair informed MG that, in his absence, the Commission would still hear his record and would then determine the sanction. By leaving the hearing, MG was made aware that he would forfeit any opportunity to present a plea for leniency. MG said that he wanted to leave and that his Club should be informed of the findings. He then left. It should be noted that MG was not aggressive, abusive or offensive when informing the Commission that he wanted to leave, and such a decision should not be held against him.
20. The Commission was then informed of MG's disciplinary record, noting that he has no previous proven cases of misconduct. As MG had disconnected from the hearing he was not able to submit a plea for leniency.

SANCTION

21. As a start point, the Commission was content to begin their deliberations at the recommended entry point of a 112-day suspension. Based on his very good disciplinary record, they initially reduced the sanction by 28 days. They then considered the threatening nature of the comment, noting that the Referee said that, based on previous experience, he was not prepared to allow MG to attack him, and thought it was a decent place to end the game. The Commission noted that MG was not close enough to cause the Referee any physical harm and concluded that the Referee, although feeling threatened by the comments, was probably very quick to abandon the game. They also took into consideration the statement from John Gadd which placed some of the blame for escalation of the incident on the Referee. When taking all factors into account the Commission concluded that the following sanction is to be imposed:

- **MG:** to be suspended from all football activities for a period of 70 days and fined £70. He is also to complete an on-line education programme before the suspension is served, the details of which are to be provided to him by SFA. Failure to complete the education programme will mean that he is 'sine die' until it has been completed. His Club, Woking Veterans, are to incur 6 disciplinary penalty points.
- **Note:** the entry point for disciplinary penalty points is 5. Penalty points are not a deduction of points from any league standings, but are added to the cumulative total within the Club's disciplinary record/total.

22. In accordance with FA Regulations, there is a right of appeal against the decision.

Anthony Rock (Chair)

Monday 9th October 2023

Sue Henson-Green

Andrew King