

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION
CHAIR ALONE NON – PERSONAL HEARING**

**SURREY FA
(on behalf of the Football Association)**

and

ANTHONY MCDERMOTT

DECISION AND WRITTEN REASONS

Preliminary Matters

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 21 October 2022 following charges brought by Surrey FA against Anthony McDermott (Case ID: 10941021M) (“**AM**”).

The Charge

2. AM has been charged by Surrey FA with a breach of:
 - (a) FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and / or abusive language / behaviour).
 - (b) The particulars of the charge are that AM slapped / attempted to slap the Referee with his goalkeeper glove that he had in his hand or similar.
 - (c) AM has not formally responded to the charge. Accordingly, the Chair shall consider whether liability is proven, on the balance of probabilities, based on the documentary evidence provided to the Chair.

The Evidence

3. This matter relates to a fixture between Ashtead and Croydon Wolves (“**Wolves**”) on 17 September 2022.
4. The relevant factual background herein is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Chair did not take such point, or submission, into consideration when it determined the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.
 - 4.1 Email from Warren Igglesden, the Match Official dated 18 September 2022. Mr Igglesden’s evidence can be summarised as follows:

- (a) At 74 minutes into the fixture (as evidenced in the video), I gave a penalty decision. After I awarded the penalty, I was told by the Wolves goalkeeper that I was a 'dirty cheating cunt'.
- (b) He took his gloves off and hit me with one on the back of my head.
- (c) I sent him off, and he started walking off the pitch saying he was going to slap me about and take me out.
- (d) I abandoned the game and went towards the side of the pitch to get my bag, but was surrounded and pushed a few times while some of the players were holding back their goalkeeper, who was shouting at me about slapping me.
- (e) After the game, I was confronted again by the goalkeeper in the Ashted clubhouse, who was moaning that I had accused him of assaulting me and told me to ring the police because he believes he didn't.
- (f) I replied 'ring the police then' and walked out the clubhouse, whilst he shouted abuse at me.

4.2 Video footage of the incident. At 74 minutes, a penalty kick is awarded to Ashted and the goalkeeper can be seen approaching the referee quickly, taking his gloves off, and moving behind the referee. The referee can be seen reacting to something from behind him and he turns to face the goalkeeper who then walks off.

4.3 Witness Statement of Ed Simson, Ashted player dated 22 September 2022. Mr Simson states the following:

"Being a goalkeeper I was pretty far away from the incident, however I have watched the footage. From what I saw in the game, the referee blew for a penalty and the opposition keeper reacted badly and was shouting abuse at the Ref. I am not sure exactly what was said."

4.4 Statement from AM (undated), which is reproduced below:

"The referee gave a penalty and the I asked him how he thought that was a penalty, and then he said don't challenge my fucking decision and I asked him who he thinks he's swearing at. Then he said I'll swear if I fucking want to swear, with aggression so the I said don't speak to me like I'm some mug you prick. Then he asked who I'm calling a prick then I replied You are a prick and I walked off the pitch and said fuck this game, it's meant to be a friendly and this referee is acting like we are in the Champions league finals.

He then turned around and said I'll call the game off and I told him yeah you might as well because you are not doing a professional job at refereeing, and then he went ballistic saying that he's referree'd in the Fa cup and I told him I don't care you are not doing a good job here, you have been swearing and shouting at us from kick off.

I don't know what happened after that but when one of the boys came over after from the Bar area, they said they over heard him say that I hit him in his face which is total nonsense so I didn't want to leave whilst these allegations were being made so I walked into the bar area by myself and politely asked him what and who hit him because this was news to me. He then turned around and said Yes you are on CCTV doing it and the other teams linesman is my witness. So I politely asked him to call the police because that is an assault allegation and I know full well that I didn't put my hands on anyone, he then turned around and said 'Police' why the hell will I call them for and laughed it off. I then said to him you are a bare faced liar

because at no point did I or anyone else hit you, and you are definitely lying about having it on CCTV.

I then asked the other teams linesman who he pointed to and he said I didn't see anything, but you did square up with him, which I then said Yes that's right I did square up with him because he was swearing at me like I was his naughty little son and I had to tell him he's not very professional.

The referees last words were you will see how I deal with you and your ban from the FA, I told him you are the definition of a bare faced liar.

That is my side of the story which is the truth, I should've kept my cool and left his decision as whatever he decided but at not one moment in the game was he being professional or fair.”

Decision on Liability

5. As AM has not formally responded to the charge, the Chair took into consideration all of the evidence before him in considering whether the charge was proven.
6. The burden of proof is borne by Surrey FA that the charge is proven on the balance of probability.
7. Put simply, this means that the Chair should be satisfied that it was more likely than not that AM slapped the referee with his goalkeeping glove.
8. The Chair having considered all of the evidence before him has found that the charge is **proven** on the balance of probabilities.
9. The reasons for the Chair reaching this decision are as follows:
 - 9.1 The Chair considered the evidence in support of the charge in this case. The Match Official's recollection of the incident is clear and his evidence is reliable, balanced and credible. The statement has been made within one day of the fixture and provides details of the events leading up to the physical contact, the physical contact itself and the events that followed the contact, including repeated use of threats and abusive language.
 - 9.2 The other statement from Mr Simson corroborates that the opposition goalkeeper, AM reacted 'badly' to a penalty award and was shouting abuse at the referee. Therefore, the Chair places considerable weight on the witness accounts which support that the physical contact and other intimidating and aggressive behaviour took place.
 - 9.3 The Chair has reviewed the video footage, which provides unequivocal evidence that following a penalty being awarded, the goalkeeper approached the Match Official aggressively, whilst taking off his gloves. He then passes behind the Match Official. The Match Official reacts by leaning forward as if he has been hit by an object to the back of the head. The Chair considers this to be consistent evidence that AM threw his glove at the Match Official.
 - 9.4 The Chair has also considered the evidence presented by AM. He describes a verbal altercation between himself and the referee, after the award of a penalty, which the Chair considers took place just before the physical contact. The Chair notes that AM is silent as to the physical contact itself and does not provide any evidence relating to his interactions with the Match Official following that initial verbal altercation. He explains that he was surprised to learn that he had hit the Match Official but admits to squaring up to him.

- 9.5 The Chair places more limited weight on AM's account and considers that there is clear evidence, both in video footage and witness evidence which demonstrates that he did throw his glove at the referee, which made contact.
- 9.6 The Chair considered paragraph 96.2 of the FA Disciplinary Regulations (contained at p209 of the FA Handbook 2022/23). It provides clarification of the meaning of the charge and reads as follows:
- "Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment)"*
- 9.7 The Chair notes from AM's evidence that on being told of the physical contact, he interpreted that as meaning he had been accused of assault. For the purposes of the FA Regulations, the two are different, but the Chair is satisfied that based on the test above, AM did make physical contact with the Match Official.

Decision on Sanction

10. As the charge has been found proven, the Chair considered the appropriate sanction to impose. In doing so, the Chair referred to the Disciplinary Sanction Guidelines 2022/23 issued by the FA in relation to the charge.
11. The Disciplinary Sanction Guidelines provide a sanction range for a Physical Contact charge, which is suspension from all football activity for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors, is 182 days. A fine of up to £150, with a mandatory minimum of £75 is also stipulated along with an education programme which is mandatory for offences committed against a match official.
12. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present for the participant.
13. The Chair consulted AM's previous disciplinary history and noted that prior to this incident, AM did not have any previous proven misconduct charges.
14. The Chair considered that the clean disciplinary history was a mitigating factor. This has to be balanced against the aggravating factor of repeated use of threatening and / or abusive language, both prior and following the physical contact.
15. Therefore, the Chair imposed the following sanction on AM:
- (a) A 203-day suspension from football and all related football activity, backdated from the date of the interim suspension order (Sine Die).
 - (b) A fine of £90;
 - (c) 6 penalty points; and
 - (d) A mandatory education course to be undertaken in person before the suspension has been served, the details of which shall be provided by the FA.
16. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton
National Serious Case Panel Chair
21 October 2022