

Disciplinary Commission ("The Commission")
On behalf of Surrey Football Association (Surrey FA)
In the matter of
Mr. Berkay EREN - Case ID: 11208270M

Hearing Summary including Written Reasons

Introduction

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Wednesday 19th April 2023 and was dealt with by the Chairman sitting alone.

The Charge

2. Surrey FA had raised a charge against Mr. Berkay Eren as follows:-

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

That charge was detailed as follows:-

"Details:...It is alleged that Berkay Eren 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 at the end of the fixture the player Berkay Eren has approached the referee and had to be held back by players as the referee has felt threatened by the players actions or similar..." (sic)

The charge had been raised following alleged misconduct by Mr. Eren, a player with Woodmansterne Hyde First (Woodmansterne), at the end of the match between Woodmansterne and Warlingham First (Warlingham) played on Saturday 25th February 2023 in the Surrey FA Saturday Junior County Cup.

Evidence

3. Surrey FA received a misconduct report from the match referee, Mr. Thomas Bone, in which he said, *"...At the end of this match the named player sent off Berkay Eren had to be restrained from approaching me in threatening behaviour by players from both teams..." (sic).*

4. As a result of that report Surrey FA undertook an investigation during which it sought further information from Mr. Bone and obtained observations/statements from:-
- Mr. Eren;
 - Mr. Lee Hughes, Woodmansterne official;
 - Mr. James Fenton, Woodmansterne official;
 - Mr. Stephen Rolfe, Warlingham Official;
5. In requesting further information from Mr. Bone Surrey FA sought details of what Mr. Eren had said to him and what had caused him to feel threatened by him. In his response Mr. Bone said, *"...the named player shouting same fucking shit ever week/fucking referee and started walking towards me. One of the home team players said you can't attack the referee and restrained him from approaching me. His team players also pulled him away from me. I stood my ground and didn't walk to collect my kit bag until the player was pulled away and things had settled down. He did apologise after and came over to shake my hand although he didn't get close to me. This is still unacceptable behaviour. Their manager agreed with after but he was told this would be reported to the league and county..."* (sic)
6. In his statement, dated 12th March 2023, Mr. Eren said, *"...Started the game and quickly realised he referee was a bit over the top, he stopped the game a couple of times to warn me for simple calls for a foul...he kept suggesting I was going to get a sin bin or a card for basically any call...As the game went on he sin binned me for talking to my team mate. Once I cam back onto the pith the referee had no regards to my safety or my team mates...I called for a foul and he didn't give it, I got booked a yellow card instead. The game ended and we started shaking hands and I went to shake the referees hand and I said that I didn't think he had any regards to our safety and his responses was, another yellow card following the red my teammates stood between myself and the referee so that the situation would calm down and not give the referee any chance to punish me anymore. A few minutes later I approached the referee and apologised for my comment and shook his hand. I did not threaten the referee, I was not raised like that my culture taught us to respect our elders even if they don't respect us..."* (sic)
7. In his statement, dated 10th March 2023, Mr. Hughes said, *"...As the game unfolded the ref seem to take a disliking to Berkay for some reason not giving any fouls, when they were quite blatant...I got a yellow card for both teams shouting out, he came over and said you're the manager lee here is a yellow card, I replied what was that for he said because I don't know who was shouting you're in charged, I said is this a thing and he said it is now...After the game Berkey did go to the ref and asked him why he got the sin bin a she did not swear and he said to the ref he was not happy about the safety of the players, I believe this is when he gave him a 2nd yellow card. Berkay then did reply to ask him why and this is when our players stepped in front of*

him to diffuse the situation, this looks worse on paper that it was. Berkay did shake the refs hand after..." (sic)

8. In his statement, dated 10th March 2023, Mr. Fenton said, *"...It was clear that the ref had also taken a disliking towards out striker Berkay Eren who he booked and sin binned in the second half...At he of the game Berkay went to the ref to ask why he was sin binned as he did not swear, and the ref was not happy yet again about being questioned and the produced a yellow then a red card for Berkay. Berkay tired back round and walked to the ref to simply ask why this is all unfolding and this was the point where a couple of our players stood in front of Berkay as it was pintless talking to the ref. There was certainly no aggression towards the ref..." (sic)*
9. In his statement, dated 7th March 2023, Mr. Rolfe said, *"...Berkay had been involved in an number f discussions/arguments with the referee during the game and had spent time in the Sin Bin. At the end of the game I walked on to the pitch to shake hands with both opposition and Warlingham players. I became aware of a commotion on the half way line, roughly 25 yards from where I was. I saw the referee brandish Red card. I wasn't aware of who he had Red carded or why but it quickly became apparent that it was the Woodmansterne centre forward, who I now know to be Berkay. I was previously unaware of his name. He reacted very badly to the situation and had to be restrained by players. I cannot be specific about which players pulled him away but he continued to remonstrate an try to get to the referee. A lot of bad language was used but I couldn't say who was responsible or who it was aimed at. The situation did quickly come under control as the players calmed Berkay down and led him away, off the pitch, towards the away dug out. There were no further outbursts or incidents that I am aware of..." (sic)*
10. At the conclusion of the investigation Surrey FA raised the charge against Mr. Eren on 5th April 2023.
11. An on-line response to the charge was received from Mr. Eren in which he had entered a plea of *"Deny – Correspondence"* thus indicating he was content for the matter to be dealt with in his absence. No further written response to the charge was received from Mr. Eren.
12. In respect of the matter the burden of proof is on the County that raised the charge. The applicable standard of proof is 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.

13. The foregoing is a summary of the principal submissions provided to the Commission. 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 when the member determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.

Determination

14. Having considered all the available evidence in the matter the Commission determined that, on the balance of probabilities, the charge had not been proven in respect of the “*threatening language/behaviour*” element of it but had been proven in respect of its “*abusive language/behaviour*” element. In coming to that decision the Commission found:-
- Mr. Eren had been shown a second yellow card and then sent off by the referee after the end of the match;
 - despite being asked by Surrey FA to explain what Mr. Eren said and did to make him feel threatened the referee did not provide such evidence;
 - there was no credible evidence from any witness to show that Mr. Eren used threatening language/behaviour towards the referee;
 - there was credible evidence from witnesses that Mr. Eren’s language/behaviour towards the referee after having been sent off was abusive;
 - Mr. Eren’s abusive language/behaviour towards the referee was such that other players found it necessary to step between him and the referee;
 - the breach fell within the “*mid*” category.
15. Mr. Eren’s disciplinary record over the last five years which showed no relevant previous misconduct.
16. In respect of the matter concerning Mr. Eren reference was then made to FA Rule E3.1 and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It noted that the sporting sanction for a “*mid*” category breach as determined was a suspension from all football for from 1 to 3 qualifying matches and a fine of from £10 to £50.

17. The Commission considered if there were any mitigating or additional aggravating factors in respect of the matters before it. It found the only mitigating factor to be there were no previous relevant misconduct charges recorded against him. It found an additional aggravating factor in the fact that the abusive language/behaviour towards the referee had occurred after he had been shown the red card and that his teammates had considered it necessary to intervene.

Outcome

18. Having taken into consideration all the facts in the matter the Commission determined that the following sanction be imposed on Mr. Eren:-
- a suspension from all football for 3 qualifying matches;
 - a fine of £50;
 - 7 disciplinary penalty points imposed on Woodmansterne Hyde FC .

Mr. Tom Edwards, Chairman

19th April 2023