

THE FA DISCIPLINARY COMMISSION

On behalf of Surrey County Football Association Limited

PERSONAL HEARING – via Microsoft Teams

OF

Rehuan Raja [2088220]

THE DECISION AND REASONS OF THE COMMISSION

10981688M

21 November 2022

THE COMMISSION

- 1. Chair – Evans Amoah-Nyamekye.**
- 2. Wing member – Graham Fairweather.**
- 3. Wing member – Paul Mallett.**

SUMMARY OF DECISION

The Commission found the charge of FA Rule E3 - *Improper Conduct against a Match Official (including threatening and or abusive language/behaviour)* **not proved** against Rehuan Raja.

The reasons for the decision are stated in full below.

INTRODUCTION

1. On 16 October 2022, a match between Rushmoor Community FC Vets v A.F.C. Farnham Vets FDSL (Reserves).
2. It is alleged that Rehuan Raja 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 Rehuan Raja said to the referee '*I will see you in the car park or similar*'.
3. The case was presented before a Disciplinary Commission appointed by The Football Association ("The FA") as a personal hearing for Rehuan Raja.

THE CHARGES

4. Rehuan Raja faced charges of breaches of FA Rule E3 - Improper Conduct against a Match Official (*including threatening and or abusive language/behaviour*).

THE PLEA

5. Rehuan Raja denied the allegations and requested that the case be heard by way of a personal hearing. The case was dealt with as a not guilty plea.

THE FA RULES

The applicable FA Rule E3 states:

GENERAL BEHAVIOUR

6. *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 anyone, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent, or insulting words or behaviour.*

In accordance with The FA Sanction Guidelines, if a Commission find this charge proven, they will be required to decide whether they feel the proven misconduct should be classified as a low, medium, or high level of seriousness. When reaching any decision, the Commission will take into account any aggravating or mitigating factors.

OFFENCES AGAINST MATCH OFFICIALS

Categories of Offence

96 The three categories of offence against Match Officials are as follows:

96.1 Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened;

96.2 Physical contact or attempted physical contact: examples include but are not limited to: pushing the Match Official, pulling the Match Official (or their clothing or equipment), barging or kicking the ball at a Match Official (causing no injury) and/or attempting to make physical contact with the Match Official (for example, attempting to strike, kick, butt, barge or kick the ball at the Match Official); and

96.3 Assault: acting in a manner which results in an injury to the Match Official. This includes spitting at the Match Official (whether it connects or not).

THE COMMISSION

7. The following members were appointed to the Disciplinary Commission (“the Commission”) to hear the case:

Chair – Evans Amoah-Nyamekye.
Wing member – Graham Fairweather.
Wing member – Paul Mallett.

John Lilburne was secretary to the Commission.

THE HEARING

8. We considered the matter on 21 November 2022.
9. From the response to the charge, it was clear that Rehuan Raja had been provided with all the statements and evidence with which the Commission had been provided. Accordingly, the participant had fair notice of the allegation made against him.
10. The following is a record of the salient points which the Commission considered and is not intended to be and should not be taken as a verbatim record of the evidence considered.
11. In advance of the Hearing the Commission had received and read the bundle of documents, particular focus was placed on the following:
 - 11.1. Report(s) and information supplied by the Match Official(s)
 - 11.2. Statements from AFC Farnham Vets
 - 11.3. Statements from Rushmoor Community

THE COUNTY FA'S CASE

ASSESSMENT OF THE STATEMENT / EVIDENCE OF DANIEL CRUMP

12. DANIEL CRUMP was the match referee. DANIEL CRUMP confirmed that Rehuan Raja was the Farnham Vets manager on the day.
13. DANIEL CRUMP stated that during the game *'As I showed a player a red card - the Farnham Vets manager - told me to fuck off. He said I had ruined his weekend. I showed him a red card - he refused to give his name. He turned to me, and in an aggressive manner he told me that he was going to do me in the car park. I felt threatened. The home manager was a couple of yards away and said you can't say that. As I felt the away manager had threatened me, I abandoned the game.* The Commission was concerned about the lack of corroboration to the incident.
14. The Commission found that there was no live corroborative evidence to support DANIEL CRUMP's evidence. The Commission concluded that the referee was not threatened by Rehuan Raja.

THE PARTICIPANT'S CASE

ASSESSMENT OF THE STATEMENT / EVIDENCE OF REHUAN RAJA

15. Rehuan Raja was very open and credible from the outset. He confirmed he was the manager on the day
16. Rehuan Raja accepted that he made profanity comments during the match but this was not directed to the referee.
17. Rehuan Raja vigorously denied that he threatened match referee.
18. The Commission found the evidence of Rehuan Raja as consistent and openly honest.
19. Rehuan Raja himself submitted that the whole situation has been very emotional.
20. Rehuan Raja confirmed that he had a fair hearing.
21. The Commission concluded that Rehuan Raja did not make threats to the match referee as alleged.

THE COMMISSION'S CONCLUSIONS

22. The Commission found breach of FA Rule E3 - Improper Conduct against a Match Official (*including threatening and or abusive language/behaviour*) **not proved** against Rehuan Raja.
23. The reasonable inferences which could be drawn are from the circumstances of the case were namely:
 - 23.1. There was no dispute Rehuan Raja was manager on the day.
 - 23.2. The Commission concluded that Rehuan Raja did not use improper conduct by making threats to the match referee.
 - 23.3. The Commission did not accept that Rehuan Raja made threats to the match referee.

BURDEN OF PROOF

- 23.4. The applicable standard of proof required for this case is the civil standard of the balance of probability, meaning more likely than not.
- 23.5. The Commission took the view that the allegation and the evidence supporting that allegation needed to be tested. The Commission considered the possible innocent use and interpretation of the word and conduct versus any possible misinterpretation.
- 23.6. The Commission considered the context in which the conduct was used, the intent behind the conduct used and gave consideration to all the circumstances surrounding the use of the comments whilst considering the effect of the comments used.

OUR FINDINGS OF FACT

24. On the balance of the burden required, the Commission are satisfied to make the following findings of fact that:
- 24.1. On 16 October 2022, a match between Rushmoor Community FC Vets v A.F.C. Farnham Vets FDSL (Reserves).
- 24.2. The Commission concluded that Rehuan Raja did not use improper conduct by making threats to the match referee.

THE DECISION

25. Having read the evidence, the assessment of the evidence is entirely a matter for the Commission members.
26. The Commission has to assess the reliability of the witness (*that is whether, even though a witness may be attempting to tell the truth their evidence might not be relied upon for differing reasons*) and the credibility of a witness (*that is whether a witness is attempting to tell the truth*). Of course, such an assessment is difficult to make if the evidence being considered is in written form.
27. Ultimately it is for the Commission to accept or reject each piece of evidence we are considering. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for us to assess if the discrepancies are important and leads assistance to the determination of the balance of probabilities.
28. Having decided which evidence, we accept and rejected; we then have to decide on the balance of probabilities if the alleged breach of the FA Rule is established.
29. The Commission considered all of the evidence provided.

CONCLUSION

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

Signed The Commission:

THE COMMISSION

1. Chair – Evans Amoah-Nyamekye.
2. Wing member – Graham Fairweather.
3. Wing member – Paul Mallett.

21 November 2022