

The Football Association Disciplinary Commission

(‘The Commission’)

Sitting on behalf of Surrey FA

In the matters of Thomas Gordon.

(Case number 10983713M)

Disciplinary Commission Decision:

1. The members of the commission were Les Pharo (Chair), Christine Forde and Alan Day. The secretary to the commission was Richard Pallot. All appointed by the FA.

2. The Charge:

Thomas Gordon of AFC Croydon Town was the subject of one charge:

A breach of FA Rule E3 Improper conduct against a match official - (Including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

3. The Response:

Thomas Gordon had denied the charge, and asked for a personal hearing, which was held on Wednesday 30th November 2022. Based on the not guilty plea, the burden of proof was on Surrey F.A. to prove these matters, on the balance of probabilities. The balance of probabilities 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.

4. The Rules:

Rule E3: The FA handbook states the following in respect of the charge shown:

FA Rule E3 Improper conduct against a match official - (Including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

“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”.

5. This case resulted from a complaint by the match referee, Daniel Gallagher, concerning a match played on 2nd October 2022, between Duke of Clarence First and AFC Croydon Town First in the Ron Pope Premier, Metropolitan Sunday Football League. He reported that, he was barged in the back, causing him to fall to the ground. This matter

was investigated by Surrey FA, during which the player concerned was identified as Thomas Gordon.

6. Written evidence received on behalf of the County Association, was from Daniel Gallagher, which included emails between him, and the County Association, who was in attendance at the hearing,
7. Written evidence in response to the charge was received from Thomas Gordon and Aaron Jarrett. Both were in attendance at the hearing.
8. Prior to the hearing, it was confirmed that Thomas had seen the case papers, and the procedure was explained to him.
9. The match referee, Daniel Gallagher, was invited to give his account, and stated that he did not wish to change anything in his report. When questioned by the commission, he responded by saying that there had been no incidents in the first ten minutes of the match, and no issues with Thomas. He said the ball was about 20 yards in front of him, and Thomas was behind him, adding that he did not actually see him, because he was behind him. He gave his position on the field of play, and said he was shocked when contact was made with him in his back, and that Thomas just carried on playing. When asked about the comment in his statement regarding whiplash, he agreed that he had not sought any treatment, nor had he taken any medication. He was asked if he had altered his direction at the point of contact, and he said he had not. He stated that he was jogging at the time of impact, not running fast. He believed it was a shoulder charge, which knocked him to the floor, but he got up straight away. When asked why he thought it was intentional, he said that it was because of the force of the contact.
10. He was then asked if he had stopped the game. He said no, it stopped naturally due to his fall, but he did think about a red card, but did not issue one, as he had not seen the actual incident, adding that others had told him later he should have done. When asked why Thomas would have deliberately barged him, he said he had no idea. He had not refereed him before, nor had there been any issues in the game. He agreed that he would not know if Thomas had attempted to avoid him, as he could not see him. When asked about his statement, where it stated that, "I was dazed and shocked after the incident, and that is the reason I did not show a red card", and his verbal account, where he stated that, "I did think about a red card, but did not issue one, as I had not seen the actual incident" were differing accounts. He replied by saying that "I was dazed and wanted to make the correct decision". When asked again why there was a difference, he said it was a combination of both. He was asked if he was dizzy after the incident, and said he was not sure, but probably.
11. He stated that he had spoken to the team captains, and it was agreed to carry on with the game. He gave details of the team colours, stating that Croydon were in dark colours. He was then asked why he had waited until the 4th October to send in his report. He said he took advice, and was told that he should do so by other referees. He said that the game continued with no other issues throughout the remainder of the game. He said he was an experienced referee, had been refereeing for 10 years, and was a level 5 referee, and that nothing like this had happened to him before.
12. There were no questions from Thomas.

13. This concluded the evidence of the County Association.
14. Thomas was then invited to give his account of the incident, and said it was as his statement. When questioned by the commission, he explained the position of himself and the referee. He explained that he had only been attempting to move towards the ball, that was being played out from their defence, and he was making his way towards the ball. When the play moved in another direction, he ran towards it. The referee side stepped also to move towards play, and he collided with the referee. He agreed that the referee could not have seen him as he was behind the referee, and that it was his shoulder that made contact, and he believed it was to the side of the referee's back. He agreed that he carried on playing, as the game was continuing. He agreed he did not apologise, and agreed that he should have, and added that he did apologise a short time later. He said he had not had any issues with the referee in this game, either in the first 10 minutes, nor after the issue, and that he had no prior knowledge of the referee. He stated that he did not see the referee fall to the floor, and said it was a complete accident. "Why would I deliberately barge the referee". When asked, he said that he was running fast, and reiterated that he was running to where the ball was being played to. He agreed that he was looking at the ball, and not at the referee, and then when asked if that was the case, how did he know the referee had moved. He replied that the referee had come into his path, so must have moved. He again stated that the collision was an accident.
15. Aaron Jarrett was invited to give his account, where he said that he had no changes to his supplied statement. When questioned by the commission, he said in response, he gave his playing position as right back, and that he was the captain on the day. He said that he had a clear view of the incident. He said that he saw Tom running towards the ball, and the referee change direction, and Tom collided with the referee. He believed Tom did not realise what had happened, and he (Tom) did not see the referee fall to the ground, as he continued to move towards the ball. He said that prior to the collision he was looking at the ball so did not see anything until then, adding that he looked towards the ref when the play changed direction. He said that, in his opinion, the referee looked confused, and when questioned further on that statement, said that was just his opinion. He said that he had seen the referee and Tom go close together after the incident, but did not know what was said between them. He said that in his opinion the referee was aggressive, and he took that view due to the referees approach to Tom, and was in Tom's face. He believed that this is when Tom apologised to the referee, saying that he did not do it on purpose. He did not hear any words said by the referee. When asked, he believed that the referee was not aware that it was Tom who had collided with him.
16. When asked, he said that the game just stopped at that time, and that there had been no issues in the first 10 minutes. He stated that players were winding the referee up, due to his fall, as were spectators, and that he felt that this "wound up" the referee. When asked if he and the opposing captain had been asked if they wished to continue by the referee, he said no, they had not.
17. Thomas Gordon agreed that he had provided all the evidence he wished to do, and stated he believed the hearing had been fair. He was offered a chance to sum up the case against him, and said he had been playing football for many years. He does not and did not go out to cause injury to anyone. He said that this was simply an accident, a collision between him and the referee.

18. The commission then reviewed the verbal and written evidence provided, in support of the charge, and the following points were noted: There was variation in the referee's report and his verbal account. The commission had concerns that no action was taken at the time by the referee, who then continued the game unhindered for the next 80 minutes, where there were no issues with Thomas or any other players, nor, in his words, was there any issues in the first 10 minutes of the game, nor any past issues in any other matches. It was noted he was an experienced referee, and that his reason for taking no action was, in his written account "I was dazed" and in his verbal account "I did think of a red card but as I did not see it, I did not take action". He was clear that he did not see Thomas collide with him as he was behind him, and that his reason for thinking it was intentional was the force of contact. In considering this, the commission took the view that the force could still have been due to the speed of Thomas at the point of impact. The commission also considered why no action was taken at the time and was only taken after speaking to others who were not present at the game.
19. In defence of the charge, the commission considered the evidence of Thomas and Aaron, and in doing so, the following points were noted : Thomas gave a consistent account throughout his verbal account, which was as his written statement. His view was that it was a collision and was accidental. This was also the evidence given by Aaron, who was also consistent in his responses, and was as his written statement. Both accounts were considered credible by the commission members.
20. Having considered the evidence received in this matter, there was no dispute that there was contact between Thomas and the referee. The commission had to determine if contact was intentional, in which case it would amount to improper conduct, or if the contact was accidental, which if so, would therefore would not support the charge. The view of the commission was, that on the balance of probabilities, the contact was more likely to have been accidental, and the commission made the following unanimous decision in this case:

For a breach of FA Rule E3 Improper conduct against a match official - (Including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

Not Proven.

21. There is a right of appeal against this decision, in accordance with the relevant provisions set out in the prevailing FA Rules and Regulations.

Les Pharo (Chair).
Christine Forde
Alan Day

2nd December 2022