

NON-PERSONAL HEARING

THE FOOTBALL ASSOCIATION

*and*

**Mr MARTIN SKRTEL**  
**Liverpool FC**

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THE DECISION AND REASONS  
OF THE FA REGULATORY COMMISSION

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**Introduction**

1. On 22 March 2015, Liverpool FC (“Liverpool”, the “Club”) played a Premier League home fixture against Manchester United FC (“Manchester United”) at Anfield with a kick-off time of 1.30pm – (collectively the “match”).
2. The appointed Match Referee was Mr Martin Atkinson.
3. After the match, The Football Association (“The FA”) was made aware of an incident involving Mr Martin Skrtel of Liverpool and Manchester United goalkeeper, Mr David De Gea, in or around the 95<sup>th</sup> minute of the match.
4. On 23 March 2015 at 11.32am The FA sent an EMail to Mr Atkinson, with a link to a video clip of the potential incident, and enquired if Mr Atkinson or any of the Match Officials saw this incident.
5. On the same day at 1.46pm, Mr Atkinson replied to state that none of the Match Officials saw the incident during the match.
6. On the same day at 2.12pm, in accordance with the approved Not Seen policy, The FA sent an EMail to the Referee Panel consisting of three Senior Coaches at Professional Game Match Officials Limited (“PGMOL”), with the same link to the video clip, advising that none of the Match Officials saw the incident in question and enquired what action, if any, they believe would have been warranted by the Match Referee in this instance.
7. On the same day between 2.55pm and 3.40pm, the Referee Panel Members all replied independently, and unanimously stated that a dismissal of Mr Skrtel would be warranted for violent conduct.

**The Charge**

8. On the same date of 23 March 2015, The FA charged Mr Skrtel with misconduct for a breach of FA Rule E3 (the “Charge”).
9. The FA alleged that Mr Skrtel’s behaviour in or around the 95<sup>th</sup> minute of the

match, as evidenced in the EMail correspondence and video clip, constituted Violent Conduct.

10. The relevant part of FA Rule E3 states:

*“(1) A participant shall at all times act in the best interest 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...”*

11. As Mr Atkinson stated that none of the Match Officials saw the incident during the match (see paras 4 and 5), The FA advised that the Charge was in pursuant to Schedule A of the Standard Directions in FA Disciplinary Procedures for *Incidents on the Field of Play which falls within Law 12, which were not seen by Match Officials, but caught on video* (pp. 346–349 of the FA Handbook Season 2014-2015).

12. The FA enclosed, the following evidence that it intended to rely on:

12.1. EMail correspondence between the Match Referee, Mr Atkinson, and The FA, dated 23 March 2015;

12.2. EMail correspondence between The FA and the Referee Panel dated 23 March 2015; and

12.3. A video clip of the incident, accessible by following a link EMailled to the Club Secretary.

13. The FA also disclosed another video clip as unused material, which The FA was not intending to rely on as evidence in this case and was not viewed in the hearing.

14. The FA advised Mr Skrtel that if he chooses to admit to the Charge then he could accept an automatic penalty of a 3-match suspension that would have applied to the offence had it been seen and dealt with by the Match Official(s) during the match.

15. Mr Skrtel was required to reply to the Charge by 6pm on 24 March 2015.

### **The Reply**

16. On 24 March 2015, the Club replied to the Charge on behalf of Mr Skrtel who was away with his National Squad.
17. Mr Skrtel denied the Charge and requested that the letter submitted on his behalf be put before the Regulatory Commission for consideration.

### **The Regulatory Commission**

18. The following members were appointed to the Regulatory Commission (“the Commission”, “We/us”) to hear this case:

Mr Thura KT Win, JP (Chairman);

Mr Alan Hardy; and

Mr Denis Smith.

Mr Mark Ives, Head of The FA Judicial Services, acted as Secretary to the Commission.

### **The Hearing**

19. We convened at 10.30am on 25 March 2015 by videoconference for this Non-Personal / Paper Hearing (the “Hearing”).
20. We had read the bundle of documents prior to the Hearing.
21. With the assistance of Mr Ives, we reminded ourselves of the procedures and powers in Schedule A of the Standard Directions in FA Disciplinary Procedures for *Incidents on the Field of Play which falls within Law 12, which were not seen by Match Officials, but caught on video* (pp. 346–349 of the FA Handbook Season 2014-2015).
22. We also noted that the Charge related to Violent Conduct and not Serious Foul Play. Mr Ives explained that the incident in question was not during a contest

for the ball that would have led to Serious Foul Play but as Manchester United goalkeeper had already got the ball and it is submitted that the incident was separate to a challenge it constituted Violent Conduct instead.

23. We reminded ourselves of the Laws of the Game, Law 12 Section 2, on Violent Conduct, which states (we quote the relevant text):

*“A player is guilty of violent conduct if he uses excessive force or brutality against an opponent when not challenging for the ball...”*

24. In Mr Skrtel’s letter, dated 24 March 2015, which was included with his reply to the Charge, he stated (we quote the relevant text):

*“I wish to deny the charge of violent conduct for the reasons set out in this letter.*

*In the final few minutes of the game, as he has done in the past when we needed a goal, the Manager asked me to move further up the field and to play further forward to see if we could obtain a late equaliser. Mario Balotelli played the ball forward into the penalty area and I believed that I had a chance to try to get the ball before the goalkeeper got to it and maybe I would be brought down and a penalty would be awarded. I was running through at full speed and the goalkeeper was coming towards me also at full speed and was sliding along the ground. Phil Jones the Manchester United defender came across to block my run and pushed into me. I was still thinking about the chance to get to the ball before the goalkeeper got there, when I saw the goalkeeper sliding towards me along the ground my natural reaction was that I needed to hurdle the goalkeeper. I put my right foot down as I was running. I can see from the slow motion replay that I did step on the goalkeeper’s leg. This all happens at full speed and I did not intentionally stand on the goalkeeper. My thought was to get the ball and then to get myself out of the way of the goalkeeper. I did not intend to stand on David De Gea it was an accident that can happen when players are running at top speed.*

...

*I was disappointed to receive this charge, I am not a malicious or dirty player. I have never in my Liverpool career been dismissed from the field for violent conduct. I am*

*competitive and physical but I strive to never cross the line between what is right and wrong. I would request that the Football Association examines my disciplinary record since I came to Liverpool in 2008.*

*I trust that the Football Association [will] consider this case in a fair and just manner.”*

25. Mr Skrtel’s letter also included an extract from Mr Brendan Rodgers’, Liverpool Manager’s, press conference immediately after the match when Mr Rodgers gave his own views of the incident.
26. We viewed the only video clip, which The FA was relying on, multiple times.

### **The Burden of Proof**

27. The applicable stand of proof required for this case is the civil standard of the balance of probability.

### **Our Findings & Decision**

28. Mr Skrtel denied the charge but he had admitted in his letter that he “*did step on the goalkeeper’s leg*”, he “*did not intentionally stand on the goalkeeper*”, and he “*did not intend to stand on David De Gea it was an accident*” (see para 24).
29. We noted that whether there was, or lack of, “intent” is not in the Law of the Games for this offence.
30. It was our assessment from the video clip that:
  - 30.1. Mr Skrtel was chasing the ball but already slowing down when the Manchester United goalkeeper reached near the ball and Manchester United defender (#4) was about to intercept him;
  - 30.2. Mr De Gea had already got the ball when Mr Skrtel was still a short distance away;
  - 30.3. Mr Skrtel had time to take, and could have taken, an evasive action but deliberately continued in Mr De Gea’s direction – maybe in an deliberate

attempt to earn a possible penalty as suggested in his submission;

- 30.4. Mr Skrtel appeared to be looking down on Mr De Gea when he planted his foot on Mr De Gea's leg; and
- 30.5. As Mr Skrtel was looking down on Mr De Gea, he could have avoided stamping on Mr De Gea's leg.
31. We disagreed with Mr Skrtel's representations and found that Mr Skrtel deliberately stamped on Mr De Gea.
32. Therefore, we unanimously found the Charge proved.
33. The applicable Standard Directions states (we quote the relevant text):

*“(d) Decisions*

*Where a Charge is denied, the Regulatory Commission will decide whether the Charge is proved or not proved.*

*In the event that the Charge is not proved, the Charge will be dismissed.*

*In the event that a Charge is proved or admitted, the Regulatory Commission will decide on the penalty to be served by the Player. The standard punishment may be decreased or increased by the Regulatory Commission only in an exceptional circumstances set out at (i) and (ii) below. In all other cases, the penalty shall be the standard punishment...”*

34. We did not find any exceptional circumstances in this case to depart from the standard punishment for the offence.

***Previous Disciplinary Record***

35. Mr Ives informed us that there was no relevant previous disciplinary record.

***Mitigation***



36. We noted Mr Skrtel's submission of his previous good disciplinary record that might constitute as mitigation. However, with the provisions of the applicable Standard Directions, we did not find any exceptional circumstances to decrease the standard punishment.

### **The Sanction**

37. After having denied the Charge, which was subsequently found proven, and taking into consideration of Mr Skrtel's previous relevant disciplinary record, as well as not finding any applicable exceptional circumstances to depart from the standard punishment appropriate for this offence, we ordered that Mr Skrtel be suspended from all domestic club football until such time as Liverpool FC have completed 3 (three) First Team matches in approved competitions.
38. The decision is not subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

**Thura KT Win, JP (Chairman)**

**Alan Hardy**

**Denis Smith**

26 March 2015