

The Football Association Regulatory Commission

In the Matter of Sahr Kabba (Welling United FC)

Reasons for Regulatory Commission Decision Friday 11th September 2015

1. These are the written reasons for an FA Regulatory Commission decision made on Friday 11th September 2015.
2. The Regulatory Commission members were Mr. B. M. Jones, Major W. Thomson and Mr. G. Farrelly.
3. Mr. M. Ives, the Head of the Judicial Services Department of The Football Association acted as Secretary to the Regulatory Commission.
4. Mr. Kabba had been charged with misconduct for a breach of FA Rule E3 in respect of the fixture Welling United FC v Tranmere Rovers FC in the National League Premier Division played on Saturday the 5th September 2015.
5. It was alleged that his behavior around the 72nd minute of the fixture, in exaggerating or feigning an injury which directly led to an opponent (Ritchie Sutton) being dismissed from the field of play for violent conduct, amounted to improper conduct. This was designated a Non Standard case by The Football Association.
6. By letter of the 3rd July 2015, Tarik Shamel, the Head of On-Field Football Regulation and Security at The Football Association wrote to all Premier League, Football League and Football Conference (National League) clubs drawing their attention to key changes in On-Field Football Regulations rules and policies which will be in effect for Season 2015/2016 onwards.

7. In so far as this matter is concerned the relevant section of that letter reads as follows:

Exaggeration and/or Feigning Injury in order to deceive a match official

Please be aware that as of Season 2015/2016, The FA reserves the right to take disciplinary action under Rule E3 in circumstances whereby a player appears to exaggerate or feign an injury which then directly leads to an opponent being dismissed from the field of play for violent conduct. If (i) the dismissed player is successful in overturning his dismissal by way of a wrongful dismissal claim and (ii) it is clear from the evidence that the opposing player had not, for example, been struck as implied/claimed or at all, then a disciplinary charge may follow. The entry point for a proven case of exaggerating or feigning injury in order to deceive the match officials in such a scenario would be a match suspension.

8. The Regulatory Commission considered in detail each of the following submitted by The Football Association:
- (1) Charge letter of the 8th September 2015;
 - (2) the report by the match official Craig Hicks dated the 5th September 2015;
 - (3) the report by the assistant match official Iain Parsons dated the 6th September 2015;
 - (4) the letter from The Football Association to Tranmere Rovers FC dated the 8th September 2015 confirming that Mr. Sutton's claim for wrongful dismissal had been successful;
 - (5) the letter from The Football Association dated 3rd July 2015 referred to in paragraph 6 above; the Guidance to Participants sent via email to all clubs completing in the Premier League, Football League, The National League and the FA WSL;
 - (6) email from Ben Marshall of The Football Association to Welling United FC dated 10th September 2015 with a copy of the Written Reasons for the Ritchie Sutton wrongful dismissal claim, and those Written Reasons.
9. On behalf of Mr. Kabba the Regulatory Commission considered in detail:
- (1) the Reply form dated the 11th September 2015;
 - (2) a letter from Mr. Kabba and
 - (3) a letter from Mr. Barrie Hobbins of Welling United FC.

10. In addition to all of those documents identified in paragraphs 8 and 9 above the Regulatory Commission were provided with 3 (three) videos of the incident in question, in normal time, slow motion and extra slow motion.
11. The video evidence was critical especially the one with arrows marked upon it depicting the distance between Mr. Ritchie's elbow and Mr. Kabba's face and which followed the movement of both participants throughout the incident. That evidence, without any doubt whatsoever, convinced the members of the Regulatory Commission that Mr. Ritchie simply backed in to Mr. Kabba and shrugged Mr. Kabba away from himself but there was absolutely no contact made with Mr. Kabba's head whatsoever.
12. Mr. Kabba went to ground as if he had been struck excessively, and holding his head with both hands in a manner consistent with being elbowed in the face. The Regulatory Commission saw no contact with Mr. Kabba that justified his exaggerated movements as seen on the video evidence.
13. The match referee reported that he did not see the incident and it was reported to him by his assistant Iain Parsons.
14. The Regulatory Commission reminded themselves of the assistant referees report which read as follows:

During a stoppage in play in the 72nd minute I observed the above named player attempt to strike an opponent with his right arm. The incident took place out of sight of the referee on the far side of the penalty area. I had a clear line of vision and could clearly see the action of the player. I immediately brought this to the attention of the referee who dismissed the player.

15. Having considered in detail all of the above evidence and especially the video evidence, the Regulatory Commission were of the unanimous view that Mr. Kabba appeared to have exaggerated the contact and had feigned injury by clutching his head/face in such a way that he had duped the assistant referee by such actions ~~and~~ which resulted in Mr. Ritchie being dismissed from the field of play for violent conduct.
16. In his letter to the Regulatory Commission Mr. Kabba stated that “neither he nor so far as he was aware anyone else at Welling United FC had suggested that he received an elbow to the face from a Tranmere Rovers FC opponent as appears to have been widely reported.”
17. He continued by stating as follows: “At the time of the incident, the opposing player, who is far more powerfully built than myself, was standing in front of me and with his back to me, he then pushed back forcefully into my midriff and just below into my groin area, causing me to fall to the ground being temporarily winded and in pain...”
18. The members of the Regulatory Commission do not particularly disagree with what Mr. Kabba says and the reader is reminded of our comments at paragraph 11 above although the Commission would debate the amount of force suggested by Mr Kabba.
19. However Mr. Kabba does not attempt to explain why he threw himself to the ground holding his head/face with both hands. A person who has been injured and goes to ground usually clutches the injured part of his body, not another uninjured part. That is seen in just about every televised football match throughout the world.

20. Bluntly the letter from Welling United FC did not assist either Mr Kabba or the Regulatory Commission in their deliberations as really it only questioned the integrity of the members by suggesting that because the matter had appeared in the public domain with widespread media reporting of the case, it was the clubs opinion that Mr. Kabba may well not receive a fair hearing.
21. By carefully considering the video evidence on a number of occasions the members of the Regulatory Commission clearly saw for themselves the circumstances of the incident as clearly did the Panel considering the original Wrongful Dismissal claim.
22. For the reasons stated above the charge was unanimously found proved.
23. We were advised, not surprisingly as this is the first season this type of offence is to be dealt with, that Mr. Kabba had no record of a similar proven offence.
24. According to the letter of the 3rd July 2015 the entry point for a proven case of exaggerating or feigning injury in order to deceive the match officials in such a scenario would be a match suspension.
25. The Regulatory Commission very carefully considered in detail each of the following:
 - The time the incident took place;
 - The likely impact, if any, on the game;
 - The admittance or denial of the charge.
26. The incident took place in the 72nd minute of the match, leaving Tranmere Rovers FC to play the remaining 18 minutes plus any injury time allowed with 10 men.

27. At the time Mr. Ritchie was dismissed from the field of play, Tranmere Rovers FC, the away team, were winning 0-1. The game ended with a 1-1 draw. It can be reasonably considered that the dismissal of Mr. Ritchie had an impact on the rest of the game and the result.
28. Notwithstanding the perfectly clear video evidence, Mr. Kabba, as he was entitled to do, denied the charge and therefore no credit could be given for an early or indeed any admission.
29. If Mr. Ritchie's claim for wrongful dismissal had not been successful then he would have served a 3 match suspension for violent conduct although that has no bearing on the sanction to be imposed by a Regulatory Commission.
30. By his actions of appearing to exaggerate or feigning an injury and thus having an opponent dismissed from the field of play for violent conduct there can be no doubt that Mr. Kabba was seeking to gain a competitive advantage over his opponents.
31. The Regulatory Commission, in this particular case, considered that our starting point was a 3 match suspension solely because of the factors outlined in paragraph 25 above.
32. The Panel could possibly have reduced the sanction to a 2 match suspension if the dismissal had no bearing on the game or if there had been an admission of guilt. Neither of those conditions was met in this case, and thus no reduction was considered appropriate.
33. The Regulatory Commission considered that this type of behavior is simply not acceptable and needs to be dealt with as being of a serious nature.
34. That being the case we then considered whether there should be a financial penalty as well as a sporting sanction.

35. After consideration of Mr. Kabba's disclosed weekly net earnings from football, and bearing in mind the level at which he plays, we decided that a fine of £250 was proportionate and reasonable.
36. That being the case Mr. Kabba is to be suspended with immediate effect until Welling United FC first team have completed 3 matches in approved competitions and he is to be fined the sum of £250.
37. This decision is subject to the appropriate Appeal Regulations.

Mr. Brian M. Jones (Chairman)

Major W. Thomson.

Mr. G. Farrelly

12th September 2015