

Football Association Regulatory Commission (the 'Commission')
in the matter of a Wrongful Dismissal/ Excessive Punishment claim brought by
Leeds United AFC (the 'Club') on behalf of Pascal Augustus Struijk ('PS')

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Tuesday 14th September 2021 via Microsoft Teams video conference.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Marvin Robinson and Mr. Alan Knight all three of whom are Independent Football Members of the FA Judicial Panel.
3. Mr. Paddy McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. The Commission were advised on the Laws of the Game (LOTG) and their application by Mr. Steve Dunn of the Referee Advisory Panel. In particular, the Laws relating to Law 12: S1 Serious Foul Play and the factors considered by a Match Official when determining such an incident. Mr. Dunn of the Referee Advisory Panel remained available to answer questions with regard to the Laws of the Game, however took no part in discussions concerning the actual specifics of the case or the Commission's decision.

5. In order for a claim of Wrongful Dismissal to be successful the Player and/or his Club must establish by the evidence it submits that the Referee made an obvious error in dismissing the Player. The burden rests on the Player and/or his Club to prove this.
6. The role of the Regulatory Commission is not to usurp the role of the Referee and to simply re-referee the incident.
7. The relevant incident took place in the Leeds United AFC v Liverpool FC Premier League fixture on Sunday 12th September 2021.
8. In his Official Report Form the Referee, Mr. Craig Pawson, stated, *"I have to report that I, as the Referee sent off Struijk, Pascal Augustus of Leeds United AFC Under Law 12 section: S1"*
9. In support of its claim the Club submitted four video clips of the incident that showed the incident from numerous angles and distances both at normal speed and in slow motion. One of the videos focused on the reactions and behaviour of the Liverpool Manager, Jurgen Klopp following the incident in question. The videos were accompanied by a letter dated 14th September 2021 signed by Mr. Angus Kinnear, the Club's Chief Executive, for and behalf of the Club. The Letter from the Club set out in detail why, in the opinion of the Club, the dismissal of PS was wrongful. There was also a video submitted by The FA with multiple angles of the incident that was provided to the Club to assist the claim.

10. The IFAB Laws of the Game definition of Serious Foul Play is as follows: *A tackle or challenge that endangers the safety of an opponent or uses excessive force or brutality must be sanctioned as serious foul play. Any player who lunges at an opponent in challenging for the ball from the front, from the side or from behind using one or both legs, with excessive force or endangers the safety of an opponent is guilty of serious foul play.*

11. The following practical information which is given to Match Officials was also considered:

- Does the player have a chance of playing the ball in a fair manner?
- Can the player legitimately play the ball without putting his opponent at undue risk?
- What degree of speed or intensity is the player using when making the challenge?
- What is the distance the player has travelled to challenge for the ball?
- Is the player making the challenge off the ground/airborne and in control of his actions?
- What was the position of the feet of the player making the challenge?
- Did the player lead with his studs showing when making the tackle?
- Does the player show clear malice or brutality when making the challenge?
- Does the challenge clearly endanger the safety of the opponent?

This list is not exhaustive nor is it a requirement that all elements are made out to satisfy the offence.

12. The Commission viewed the available footage of the incident on numerous occasions and considered carefully the written submissions from the Club, with the practical information and the relevant IFAB LOTG definition from Mr. Dunn in mind.
13. The video footage of the incident showed the ball arriving at the feet of the Liverpool player, Harvey Elliott ('HE'), who takes the ball slightly across the path of PS who is tracking back. From just behind HE, PS takes to the air and makes a scooping challenge / tackle in an attempt to take the ball away from the advancing HE. PS emerges with the ball and immediately lays it off to a team mate. HE goes to ground and is seriously injured as a consequence of PS's trailing leg coming down heavily on his ankle. PS is dismissed by the Referee.
14. The Commission were split 2:1 as to whether the Referee had made an obvious error in sending off PS for Serious Foul Play. The majority view was that PS had endangered the safety of HE by lunging in to the challenge in the manner that he did, from behind HE. PS did not make first contact with the ball with his leading right foot, the 'tackling foot'. It was, in fact, his trailing left leg that had made contact with the back of both HE's legs, with his left upper shin coming down onto the ankle of HE, prior to his left knee/thigh making contact with the ball, seriously injuring HE in the process. The majority view was that PS was not fully in control of his airborne attempt to take the ball away from HE and the 'tackling right foot' only made contact with the ball, after full contact with HE was made, and the ball had come off PS's left knee, and as such he had unduly endangered the safety of HE in a manner that could be categorised as Serious Foul Play. Thus, the Referee had not made an obvious error in dismissing PS.

15. The minority view was that PS had made a challenge that one sees often in football and that the contact and subsequent injury caused to HE was simply an unfortunate accident. This particular member feels that a certain level of endangerment exists in every tackle or challenge made on the football pitch, fair or otherwise. The challenge made by PS did not unduly endanger the safety of HE over and above the inherent level of endangerment that will always exist when two players come together in a physical challenge. To the mind of this Commission member PS was entitled to make the scooping challenge in the manner that he did, he was not out of control and did not show any malice or brutality and as such the Referee had made an obvious error in sending PS off.
16. Thus, by a 2:1 majority decision the claim for Wrongful Dismissal was deemed to have failed.
17. With regard to the Club's claim in the alternative that application of the Standard Punishment would be excessive in the circumstances, the Commission members were unanimous that there was nothing extraordinary about the incident that could justify a reduction from the Standard Punishment.
18. Pursuant to the relevant Regulations, this decision of the Regulatory Commission is final and binding, and there shall be no right of appeal from decisions made by Regulatory Commissions under Fast Track 4 or Fast Track 5.

Stuart Ripley

Regulatory Commission Chairman

14th September 2021