

IN THE MATTER OF A FOOTBALL ASSOCIATION
APPEAL BOARD

BETWEEN:

CROWN ELITE FC

and

BIRMINGHAM FA

WRITTEN REASONS AND DECISION OF
THE APPEAL BOARD
ON 5 JANUARY 2022

Background

1. These are the written reasons and decisions made by an Independent Appeal Board which sat by Microsoft Team video link on 5 January 2022 to consider the appeal raised by Crown Elite FC against findings of a Disciplinary Regulatory Commission Panel in Cases 10496044 M and 10496045 M on 15 November 2021.
2. The Appeal Board members were Mr Jonathan Rennie, Chairman and Independent Football Panel Member, Mr Nolan Mortimer, Independent Football Panel Member and Mr Shaun Turner, Independent Football Panel Member.
3. Mr Conrad Gibbons, The FA Judicial Services Officer, acted as Secretary to the Appeal Board.
4. By email dated 22 November 2021, Crown Elite FC lodged an appeal notification in cases 10496044 M and 10496045 M and set out various arguments presented by their Club Secretary, Ross Johnstone.
5. The Appeal Board meeting was notified to all parties as commencing by Microsoft Team video link at 2 pm on 5 January 2022. The Respondent representatives duly attended at the appointed time but the Appellant Mr Ross Johnstone did not. There was no explanation from the Appellant as to why he did not attend at the time specified. Mr Gibbons telephoned the Appellant on a number of occasions and left voicemails and again no response or explanation was provided. The Appeal Board waited 30 minutes and still the Appellant did not attend nor was any explanation of his whereabouts forthcoming.
6. The Appeal Board determined that the appeal was not capable of proceeding absent the Appellant and that there was no basis for granting a postponement in circumstances where the Appellant had not sought a postponement nor provided any factual explanation as to why he was unable to attend. In essence, the Appellant was deemed not to be proceeding with his appeal and his appeal was accordingly dismissed.

Rules

7. Within the FA Disciplinary Regulations, Rule 16 at Section C on Non Fast Track appeals states:

The Appeal Board shall proceed in the absence of any party, unless it is satisfied that there are reasonable grounds for the failure of the party to attend, and shall do so in such manner as it considers appropriate.

8. On this occasion the Appeal Board exercised its discretion to proceed to dismiss the Appeal without the necessity to consider the submissions presented. It was considered that the Appellant's failure to attend justified the dismissal of his appeal entirely without further time being wasted.

Sanction

9. The original sanctions in disciplinary cases 10496044 M and 10496045 M remain in force.

Mr Jonathan Rennie, Chairman and Independent Panel Member

Mr Nolan Mortimer Independent Football Panel Member

Mr Shaun Turner, Independent Football Panel Member

7 January 2022