

IN THE MATTER OF A FOOTBALL ASSOCIATION

INDEPENDENT REGULATORY COMMISSION

PROCEEDINGS BETWEEN: -

THE FOOTBALL ASSOCIATION

-and-

MILUTIN OSMAJIC

WRITTEN REASONS OF

THE INDEPENDENT REGULATORY COMMISSION

Regulatory Commission: Bradley Pritchard - Chair

Francis Benali

Daniel Mole

Secretary to

Regulatory Commission: Paddy McCormack

(Judicial Services Manager)

Date: 03 October 2024 (1600hrs)

Hearing Format: Paper Hearing

Introduction

1. These are the Written Reasons for a decision made by an Independent Regulatory Commission ("**the Commission**") following a charge brought by The Football Association ("**The FA**") against Milutin Osmajic ("**MO**"), participating as a player for Preston North End FC ("**PNEFC**").

The Charge

2. By letter dated 25 September 2024, The FA charged MO with Misconduct for a breach of FA Rule E1.1 in respect of the fixture on 22 September 2024, between PNEFC and Blackburn Rovers FC ("**BRFC**") in an English Football League Championship ("**the Match**"). It is alleged that in or around the 87th minute of the fixture, contrary to the Laws of the Game – Law 12, MO committed an act of violent conduct by biting an opponent, Owen Beck ("**OB**") of BRFC. This will subsequently be referred to as "**the Charge**".

3. The FA has designated this as a Non-Standard Case due to the serious nature of the alleged offence and/or the unusual nature of the reported behaviour¹.

Relevant Rules and Regulations

4. The relevant section of FA Rule E1 states:

"The Association may act against a Participant in respect of any Misconduct, which is defined as being a breach of the following:

*E1.1 the Laws of the Game;"*².

¹ P247 The FA Handbook 2024-25: Fast Track 2: Standard Penalties. 9.1

² P139 The FA Handbook 2024-25: Rule E. Misconduct;

Procedure

Fast-Track

Incidents of Misconduct concerning one of the below incidents occurring on or around the field of play (excluding the tunnel area) falling within Law 12 of the Laws of the Game which were not seen and dealt with by Match Officials but were caught on video:

- (i) serious foul play;*
- (ii) violent conduct;*
- (iii) spitting at an opponent or any other person; or*
- (iv) offensive, insulting, abusive language or gestures.³*

Non-Standard

Where a case is not designated as a Standard Case (a “non-Standard Case”), a Standard Penalty will not be offered and, where such a Charge is admitted or found proven, the Regulatory Commission shall have a discretion to impose any such penalty as it considers appropriate.⁴

Reply to the Charge

5. The FA received a response dated 30 September 2024, within which MO admitted the Charge and was content for the charges to be dealt with at a paper hearing (“**the Hearing**”).

6. The Hearing bundle consisted of the following evidence:

- i. Charge letter, dated 25 September 2024;
- ii. Extraordinary Incident Report Form from Matthew Donohue (“**MD**”), Match Referee, dated 22 September 2024;
- iii. Extraordinary Incident Report Form from Matthew Jones (“**MJ**”), Match Referee, dated

³ P239 The FA Handbook 2024-25: Disciplinary Regulations – Matters falling to be determined in accordance with the Fast Track Process

⁴ P248 The FA Handbook 2024-25: Fast Track 2: Standard Cases. 12

22 September 2024;

- iv. Witness Statement of OB, dated 24 September 2024;
- v. Witness Statement of Keith Downing (“KD”), dated 24 September 2024;
- vi. Witness Statement of Andy Proctor (“AP”) and Chris Dalton (“CD”), dated 24 September 2024;
- vii. Photos and videos of the incident;
- viii. Reply Form, dated 30 September 2024;
- ix. Statement from MO, dated 30 September 2024; and
- x. Email correspondence between The FA and relevant parties.

7. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence of a point, or submission, in these reasons should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all written and video evidence in respect of this case.

8. With regard to the Incident, Match Referee MD states

“In the 87th minute of the match, after a freekick was awarded to Preston North End, there was a confrontation involving players from both teams. Within this incident Blackburn #24 (Owen Beck) was sent off for violent conduct and Preston North End #28 (Milutin Osmajic) was cautioned for adopting an aggressive attitude by grabbing his opponent aggressively. As this confrontation ended, Beck alleged that he had been bitten to both myself and my assistant Matthew Jones. For clarity, no match official had seen an act of biting by any player and therefore a caution was issued for the act that had been seen. After the game, Owen Beck and Keith Downing (both from Blackburn Rovers) and Ben Rhodes (Preston North End Secretary) were invited into the dressing room. In this discussion, Owen Beck alleged that

"After I kicked the ball a player grabs me from behind and bites me." When Beck entered the dressing room, he was topless and there was a visible bite mark on the shoulder area. I informed all parties that the matter would be reported to the Football Association."

9. Assistant Referee MJ states

"In the 87th minute of the match, I witnessed the violent conduct action of Blackburn #24 which I informed the referee of. I then saw the Preston North End #28 grab and push the Blackburn Rovers #24 in an aggressive manner. I provided this information to the referee to caution the Preston North End #28. It was alleged to myself by Mr Beck that he had been bitten, however I had not seen this and could only advise the referee on what I had seen. Mr Beck did allege the biting action again in the changing room after the match and a bite mark could be seen where the connection was allegedly made."

Sanction

10. As the Charge was admitted, the role of the Commission was to determine a proportionate sanction. To do so, the Commission considered the Incident itself, the aggravating and mitigating factors, and the submissions from both clubs.

Aggravating factors

Disproportionate response and aggression

11. The Commission watched the video of the incident several times and unanimously agreed that at no time did OB pose a threat or danger to MO or any of the PNE players. Whilst PNE players may have felt aggrieved at the challenge from OB, it did not require intervention from MO, thus the Commission disagreed with MO's submission that

"I saw OB lash out at Duane [Duane Holmes], I overreacted in the heat of the moment, grabbed him with both arms and shoved my head towards his back in an effort to get him away from Duane."

Highly publicised event

12. Given the rivalry between the two clubs, the Match was shown live on television. Therefore, there is an added level of responsibility that all participants must adhere to, knowing that their actions are under greater scrutiny and observed by a wider audience across the world. As such, the Commission discussed the implications of such an act being viewed so publicly, and the impact on the perception of the game.

Intention

13. MO states

“I did not think that I had bitten OB as I had no intention of doing so”

Unfortunately for MO, the video of the Incident does not support his submission that the bite was unintentional. In contrast, the Commission witnessed an individual who, not only knew what he was doing, biting is a deliberate act, but proactively sought to bite OB in a manner that would be hidden from the view of the match officials; by grabbing OB from behind and putting his head into OB’s back. There was no suggestion that MO had been physically pushed or forced into a situation where biting his opponent would be the natural result. The Commission therefore disagreed with MO’s submission that the bite was unintentional.

Mitigating factors

Apology/ Admission

14. PNE submitted several mitigating factors for the Commission to consider. The Commission accept the apology and admission of the Charge.

Disciplinary Record

15. The Commission also note that MO does not have any previous breaches of Misconduct on his record. However, there is limited weight given to it considering MO only joined PNE on 1 September 2023 (approximately 13 months ago). Further, MO does have 5 cautions since September 2023, therefore his record is not “*unblemished*” as PNE submit.

Internal Action

16. The Commission welcome the action PNE are to undertake internally.

Sanction

17. After significant consideration of the factors above, the Commission have imposed the following:

- i. MO is immediately suspended from all domestic club football until such time as PNE completes 8 First Team Competitive Matches (Category 1 level) in approved competitions.
- ii. MO is fined £15,000

18. This decision is subject to the relevant Appeal Regulations.

Bradley Pritchard (Chair)

Francis Benali

Daniel Mole

08 October 2024