

**IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION**

BETWEEN:

ADAM BOWLEY

Appellant

and

HAMPSHIRE FA

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The appeal board (**‘the Appeal Board’**) was appointed to consider an appeal by Adam Bowley (**“the appellant”**) under The Football Association’s (**‘The FA’**) Disciplinary Regulations (**‘the Appeal Regulations’**) brought by the Appellant against the decision of the Hampshire FA.
2. The appeal was heard on 14 January 2025 by way of MS Teams.
3. The Appeal Board had before an Appeal bundle which included, (1) the original charges details and evidence (2) results letters, (3) the Appellants’ Grounds of Appeal (4) the Hampshire FA response and (5) emails between the appellants’ club and the FA in respect of an application to have the appeal stayed.

The Appeal Board

4. The members of the Board were:
 - Yunus Lunat (Chair).
 - David Crick.
 - Nolan Mortimer.

5. No objection was raised concerning the composition of the Appeal Board.
6. The Secretary of the Appeal Board was Vicky Collins of the Staffordshire FA whose assistance was greatly appreciated.

Attendees

7. The Appellant represented himself at the hearing.
8. The Respondent was represented by its discipline manager Mrs Debbie Sowton.
9. The Appeal Board is grateful to all parties for their submissions and assistance both during the appeal hearing, and in the documents within the Appeal Bundle.

First Instance Decision

10. On 05 October 2024 Aldershot Boys and Girls Under 14 played Moneyfields Under 14 (“the match”).
11. On 14 November 2024 the Hampshire m FA charged Adam Bowley with a breach of FA Rules E3 – Improper Conduct including foul and abusive language (Case Ref 11965226M).
12. The Appellant denied the charge and asked for it to be determined by way of a correspondence non – personal hearing.
13. The Charges was therefore considered by a Disciplinary Commission on 18 December 2024 who found the Charge proven (*‘the Findings of Breach’*). The Disciplinary Commission imposed a 2 match ground ban and imposed a fine of £50. (*‘the Sanction’*).
14. The Appellant appealed the decisions and sanctions on the grounds that:
 - (i) the Respondent came to a decision which no reasonable such body could have come to on the evidence.
 - (ii) Imposed an award order or any other sanction that is excessive.

The Appeal Regulations

- (i) Regulation 2 of the Regulations, sets out the grounds upon which the Appellant may appeal the first instance decision(s) – they are:

“... the body whose decision is appealed against:

2.1 failed to give that Participant a fair hearing; and/or

2.2 misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision; and/or

2.3 came to a decision to which no reasonable such body could have come; and/or

2.4 imposed a penalty, award, order or sanction that was excessive.”

(ii) Regulation 12 states:

“An appeal shall be by way of a review on documents only. The parties shall however be entitled to make oral submissions to the Appeal Board. Oral evidence will not be permitted, except where the Appeal Board gives leave to present new evidence under paragraph 10 above.”

Submissions

15. The following is a summary of the principal submissions made to the Appeal Board.
16. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that the Appeal Board did not take such point, or submission, into consideration when it considered the matter.
17. For the avoidance of doubt, the Appeal Board carefully considered all the materials provided, and submissions made, with regard to this case.
18. The Appellant submitted that the Respondent came to a decision which no reasonable such body could have come to on the evidence because it was based on mistaken identity. The culprit described was his assistant manager and not him.
19. Mrs Sowton relied upon the written response on behalf of the Respondent and in particular the written reasons of the Commission.
20. The Appeal Board considered the Regulations, and the submissions made.

The Legal Test

21. As is clear from Regulation 12 the task of the Appeal Board is to conduct a review of the first instance decision, and not a de novo hearing. In other words, the Appeal Board is not

considering the matter afresh but, instead, reviewing the first instance decision. It is not open for the Appeal Board to interfere with the decision simply because it would have reached a different decision.

22. An Appeal Board should be slow to interfere with evidential assessments and factual findings made by the Commission. It should only be interfered with if they are clearly wrong or if wrong principles were applied.
23. Any appellant who pursues an appeal on the ground that a Commission has come to a decision which no reasonable such body could have come to therefore has a high hurdle to overcome.
24. In accordance with the above the Appeal Board retired to consider the parties' submissions.
25. The Appeal Board considered the Regulations, and the submissions made.

Conclusion

26. The Appeal Board unanimously rejected the Appeal on both grounds. The issue of mistaken identity was not put before the original Commission so it was not a matter that the Commission could have considered in arriving at its decision. The Commission correctly weighed the evidence and submissions that it was presented with in arriving at its decision, which cannot be criticised, let alone be considered as one which no reasonable such body could have come to. The Commission reached a decision which it was open to reach on the evidence and submissions before it. Further, the sanction was within the range provided for by the sanction guidelines for the offence so it cannot be said to be excessive.
27. The Appeal Board made no order as to costs and also ordered that the appeal fee is to be forfeited.
28. Accordingly, this decision of the Appeal Board shall be final and binding and there shall be no right of further challenge.

18 January 2025

Yunus Lunat (Appeal Board Chair)

David Crick

