

**Football Association Regulatory Commission (the 'Commission')**

**in the matter of a Wrongful Dismissal/Excessive Punishment Claim brought  
by Arsenal Football Club ('AFC') on behalf of Myles Lewis-Skelly ('MLS').**

**Regulatory Commission Decision**

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Tuesday 28<sup>th</sup> January 2025 via Microsoft Teams video conference.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Bradley Pritchard and Mr. Alan Knight, all three of whom are Independent Football Panel Members of the FA Judicial Panel.
3. Mr. Marc Medas 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. Mike Mullarkey of the Referee Advisory Panel. In particular, the Law relating to Law 12 section S1 (Serious Foul Play) and the factors considered by a Match Official when determining such an incident. Mr. Mullarkey 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. 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"*
6. 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.
7. The role of the Regulatory Commission is not to usurp the role of the Referee and to simply re-referee the incident.
8. The relevant incident took place during the Wolverhampton Wanderers FC ('WWFC') v Arsenal FC, English Premier League fixture on Saturday 25<sup>th</sup> January 2025.

9. In his Official Report Form the Match Referee, Mr. Michael Oliver, stated, *“I have to report that I, as the Referee sent off Lewis-Skelly, Myles Anthony of Arsenal FC Under Law 12 section: S1”*

10. Arsenal FC furnished the Commission with four video clips (Exhibits 1, 3, 4 and 5).

- Exhibit 1 showed the incident very clearly from numerous angles and distances in both slow motion and real time.
- Exhibit 3 showed a challenge made by Joao Gomes of WWFC in the same match for which he was given a (second) caution.
- Exhibit 4 showed a challenge made by Bruno Fernandes of Manchester United FC (‘MUFC’) for which he was dismissed for Serious Foul Play. The dismissal was overturned following a ‘Wrongful Dismissal’ claim brought by MUFC.
- Exhibit 5 showed a challenge made by Alexis MacAllister of Liverpool FC (‘LFC’) for which he was dismissed for Serious Foul Play. The dismissal was overturned following a ‘Wrongful Dismissal’ claim brought by LFC.

11. AFC also submitted a document drafted by Mr. Patrick Camerer Cuss, AFC’s Associate General Counsel, dated 27<sup>th</sup> January 2025, that set out why, in its opinion, the dismissal was wrongful and why, alternatively, in the event that the

dismissal is deemed by the Commission not to be wrongful, the imposition of the standard punishment, a three-match suspension, would be excessive.

12. The Commission noted the various factors to be considered by a Match Official when assessing an incident of Serious Foul Play:

- a. Could the Player play the ball fairly?*
- b. Could the Player play the ball without putting his opponent at risk?*
- c. What was the degree of speed?*
- d. What was the distance that the Player travelled?*
- e. Was the Player airborne and out of control?*
- f. What were the position of the Player's feet*
- g. Were the Player's studs showing?*
- h. Was there malice or brutality in the challenge?*
- i. Did the challenge endanger the safety of the opponent?*

13. The Commission viewed the available footage of the incident on numerous occasions and carefully noted the written submissions from AFC with the practical information and the relevant LOTG definition from Mr. Mullarkey in mind.

14. The Commission members were unanimous in their opinion that the Referee had made an obvious error in sending off MLS for the challenge that he had made. The challenge was certainly 'Foul Play' but it obviously could not, to the mind of the

Commission, be categorised as having been '*Serious Foul Play*'. MLS had stepped across his opponent and tripped him up, possibly deliberately, but in doing so he had obviously not endangered the safety of his opponent or used excessive force or brutality, nor had he '*lunged*' in at his opponent.

15. The Club's claim for Wrongful Dismissal was therefore deemed to have been successful and the standard punishment withdrawn.

16. 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.

**Stuart Ripley**

Regulatory Commission Chairman

28<sup>th</sup> January 2025