

AN APPEAL BOARD OF THE FOOTBALL ASSOCIATION

IN THE MATTER OF AN APPEAL

BETWEEN:

George Batten (Appellant)

-and-

Kent FA (Respondent)

DECISION OF THE FA APPEAL BOARD 29 April 2025

1. The Appeal Board comprised:

Roger Burden (Chair)
Tony Rock
Nolan Mortimer

Michael O'Connor, FA Judicial Services Assistant Manager,
was Secretary to the Appeal Board

2. The Appeal was held online via Microsoft Teams as a paper hearing.
3. We do not purport to refer to all points made in the course of the Appeal, however, the fact that some points are not mentioned should not imply that they were not considered. The Appeal Board carefully read and considered all the submissions.

Background and First Instance Decision

4. Following a game between Sheppey Sports First and Clapton Community First played on 29/03/25, the Appellant was charged under FA Rule E3 – Improper Conduct (not including threatening and/or abusive language/behaviour).
5. The charge was based on the allegation that the Appellant, a non-playing participant, kicked the ball away from an opposition player, delaying them taking a throw-in to re-start the game, or similar.
6. The Appellant accepted the charge and asked for it to be dealt with by correspondence.
7. The case was considered on 24/04/25 by an FA Regional Disciplinary Panel. The Panel only had to decide on sanction and placed the offence in the mid-range of the FA's Sanction Guidelines, having concluded that the Appellant's actions were cynical and deliberate, with potential to antagonise players and officials that might have caused further misconduct.

8. The Commission took the Appellant's acceptance of the charge as a mitigating factor and noted that he had left the vicinity without protest, complying with the Referee's instructions.
9. The aggravating factors considered by the Commission included the cynical nature of the Appellant's actions, the potential that these had to cause an escalation of misconduct and his "blemished" disciplinary record. Although he had accepted the charge, there was no evidence of contrition and no apology was being offered.
10. The Appellant was suspended from all football and football activity for 1 match (including a ground ban) and fined £20. There was also a £15 admin fee to be paid. 7 penalty points were added to his Club's record.

The Appeal

11. The Appellant appealed on the grounds that the Commission:
 - Imposed a penalty, award, order or sanction that was excessive

The Appellant's Notice of Appeal

12. The Notice of Appeal written on behalf of the Appellant, said that the need for a 1 match ground ban was excessive.
13. The Notice then went on to give a description of the incident, suggesting that the Appellant had merely passed the ball 5/10 yards towards the opponent's right back who was approaching to take the throw-in.
14. However, there was a player only a couple of yards away who the Appellant did not notice and who was better suited to take the throw-in. The Appellant realised that he had made a mistake and left the technical area right away.
15. The Appellant hoped that the offence would be seen in the low category (rather than the mid category) within the FA's Sanction Guidelines as the Appellant did not swear or be abusive, apologised to the Referee, and missed close to 90 minutes of the match as the incident happened in the 13th minute.

The Respondent's Response to the Appeal

16. The Respondent referred to the Panel's written reasons which, it suggested, make it clear that the Panel considered all elements in the charge, including aggravating and mitigating factors.
17. The Respondent suggested that placing the offence in the mid category was reasonable and that the sanction imposed falls into the guideline for the category.
18. The Respondent then dealt with the other grounds of appeal that are available to Appellants but were not ones put forward by the Appellant.

Papers of First Instance

19. The Match Referee reported that, in the 13th minute, the ball went out of play for an away team throw-in. The ball was in the correct position and, as the away team player leaned to collect it, the Appellant deliberately kicked the ball away, delaying the restart.
20. The Referee issued the Appellant with a red card for delaying the restart of play. The Appellant left the technical area without protest.
21. The Whole Game System showed that the charge was accepted, to be dealt with by correspondence.
22. There was no response by, or on behalf of, the Appellant.

The Appeal Board's Deliberations and Decision

23. FA Regulations state
"An appeal shall be by way of a review on documents only and shall not involve a rehearing of evidence".
24. The Appellant's Notice of Appeal put forward a slightly different scenario to that contained in the Referee's report. However, the Appellant did not submit this, or anything else, to the original Commission.
25. The Referee's report was clear and convincing.
26. The Commission's reasons for its decision were also clear and, based on the evidence in front of it, the decision regarding sanction was one that it was entitled to make and was not in any way excessive.
27. The Appeal is dismissed.
28. The Appeal Fee is retained.
29. There is no order as to costs.
30. The Appeal Board's decision is final and binding on all parties.

Roger Burden (Chair)
Tony Rock
Nolan Mortimer

30 April 2025