

AN APPEAL BOARD OF THE FOOTBALL ASSOCIATION

IN THE MATTER OF AN APPEAL

BETWEEN:

Luke-Anthony Alcide-Edwards (Appellant)

-and-

Surrey FA (Respondent)

DECISION OF THE FA APPEAL BOARD 23 JANUARY 2025

1. The Appeal Board comprised:

Roger Burden (Chair)
Peter Powell
Martin Hill

Shane Comb, FA National Secretary, was Secretary to the Appeal Board

2. Representing the Appellant: Luke-Anthony Alcide-Edwards

Representing the Respondent: David Miller

3. The Appeal was held online via Microsoft Teams
4. These written reasons 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, listened to, watched, and considered, all the submissions.

Background and First Instance Decision

5. Following a game played between Palace Saint German 1st v London South United played on 3 November 24, the Appellant was charged under FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive behaviour).
6. The charge was based on the allegation that, following being shown a red card, the Appellant approached the Match Official and snatched the red card from his hand, or similar.
7. The Football Association appointed a Chair from its National Serious Case Panel to sit alone as a Commission to consider the case.

8. No formal response to the charge was received. The Commission dealt with the matter as a denial through correspondence.
9. The charge was found proven.
The sanction was a suspension of 210 days from all football activity (this included playing, refereeing and attendance at his club's ground/venue). The suspension was backdated to 26 November 2024, the date on which he was immediately suspended by the Respondent due to the seriousness of the offence.

The Appeal

10. The Appellant appealed on the grounds that the Commission imposed a penalty, award, order or sanction that was excessive.

New Evidence

11. The Appellant made an application to submit new evidence in the form of 2 short videos which, he suggested, were relevant, as they showed that he did not move towards the Match Official or grab the card.
12. He said that they were not submitted to the Commission at the time as he did not have access to the footage.
13. For the Respondent, Mr Miller said that he had no objections to the new evidence being submitted.
14. We were unsure as to the reasons that the video was not made available to the Commission but accepted that it was not available and we recognised its relevance to the serious charge.
15. The application to submit the new evidence was allowed.

The Appellant's Written Submissions to the Appeal Board

16. The Appellant said that he believed the length of the suspension to be excessive.
17. He stated that the hearing was unfair as he was never contacted by any parties and not given the opportunity to be present during the hearing. He said that it would have made a difference if the Commission had seen and heard the sincerity of his point of view.
18. He also said that, for one person, (the Commission Chair) to come to such an impactful conclusion without any support seems to be a task bigger than any one individual.
19. With regard to the length of suspension, the Appellant said that to repeatedly add weeks based on assumptions of how he felt was not fair.
20. He added that he had been clear from the start that rules were broken and he would accept a fine and suspension, but this was totally unjust and totally misjudged.

The Respondent's Written Submissions to the Appeal Board

21. The Respondent said that it had followed all the proper procedural steps and that no request for a personal hearing had been made.
22. The Respondent said that the Commission was only able to consider the evidence in front of it and referred the Appeal Board to the Commission's written reasons and noted that the sanction fell within the FA's guidelines for offences of this nature.

Papers of First Instance

23. The Appeal Board had before it the papers of first instance, summarised as follows:
24. A report from the Match Referee in which he said that, after the final whistle, the Appellant entered the field of play and confronted the Referee aggressively, demanding an explanation as to why 94 minutes had been played. The Referee explained the reasons, but the Appellant became increasingly aggressive. The Referee then issued a red card to the Appellant who snatched the card from the Referee's hand.
25. The Appellant responded to the charge by submitting a written statement in which he denied being aggressive and categorically denied snatching the card out of the Referee's hand.
The Appellant added that he was willing to attend a hearing if necessary but that the Statement Form did not allow him to tick the appropriate box.
26. There was a witness statement on behalf of the Appellant. This was from the Appellant's Assistant Manager in which he stated that the Appellant did not touch the Referee or remove a card from the Referee's hand.
27. There was an additional statement from the Appellant's Club Manager. This statement was critical of the Referee but did not refer to the charge.

The Appellant's Oral Submissions

28. The Appellant said that he was appealing against the sanction, rather than on any other grounds as he accepted that he should not have approached the Referee but he had not touched the Referee or the red card, therefore the long suspension was excessive.
29. The longer of the 2 videos was played and the Appellant identified himself on the video, suggesting that it showed that he was not threatening and made no contact with the Referee or the card.

The Respondent's Oral Submissions

30. Mr Miller told us that, in these serious cases, the final decision re charging is made by the FA Regional Manager. However, he said that, if the video had been made

available at the time, he would not have proceeded with the charge if it had been his decision to make.

The Respondent's Final Submission

31. The Respondent was content to leave the matter in the hands of the Appeal Board.

The Appellant's Final Submission

32. The Appellant was also content to leave the matter in the hands of the Appeal Board.

The Appeal Board's Deliberations and Decisions

33. Having watched the video several times, we agreed that it clearly showed that the Appellant did not touch, or attempt to touch, the Referee or the red card.

34. However, we noted the way that the Appellant approached the Referee and we were not satisfied that the Appellant did not use abusive language/behaviour.

The Appeal Board's Decisions

35. The Appeal is allowed on the grounds that, based on the new evidence, the Commission imposed a penalty, award, order or sanction that was excessive.

36. We acknowledged that the video was not available to the Commission.

37. We noted that the Appellant had been automatically suspended since 26 November 2024 due to the seriousness of the charge.

38. We agreed that the time already served was a more than adequate sanction with regard to the abusive language/behaviour.

39. To give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, ruled that the sanction for the abusive language/behaviour had already been served and should be lifted with immediate effect.

40. There is no order as to costs and the Appeal Fee is to be returned.

The Appeal Board's decision is final and binding on all parties.

Roger Burden (Chair)
Peter Powell
Martin Hill

27 January 2025