

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN:

MARTIN GIVEN

Appellant

and

HAMPSHIRE FA

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board (the ‘**Appeal Board**’) was appointed to determine an appeal under The Football Association’s (the ‘**FA**’) Disciplinary Regulations – Appeals 2024/25 (the ‘**Appeal Regulations**’) brought by Martin Given (the ‘**Appellant**’) by an undated Notice of Appeal (the ‘**Notice**’).
2. By way of the Notice, the Appellant appealed against the decision of the Disciplinary Commission (the ‘**Commission**’) dated 16 December 2024, to sanction the Appellant to a five-match ban from all football activities as from 16 December 2024 and a fine in the sum of £35.00. The Appellant’s club was also sanctioned with 9 Club penalty points.
3. This document constitutes the written reasons for the Appeal Board’s decision. The Appeal Board considered the entirety of the materials that the parties put before it. If it did not explicitly refer to a particular point, document, or submission, it should not be inferred that it had overlooked or ignored it; as mentioned, the Appeal Board considered the entirety of the materials put before it.

Background

4. A match took place on 14 September 2024 between Andover New Street Youth U16s Saints (“**Andover**”) and Romsey Town Youth U16 Tigers (“**Romsey Town**”) in the Testway League (the “**Match**”).
5. The Appellant is the Manager of Romsey Town and it was alleged that during the course of the Match that the Appellant used foul, abusive and aggressive behaviour towards the staff and players from Andover. The words allegedly used by the Appellant were:

“Are you still fucking moaning about it” and “Why don’t you fuck off and suck on your fucking mums tits.”

6. Further, the Appellant was alleged to have made the following comments to players, staff and parents from Andover during and after the game:

“Dickhead” and “son was a disgrace”. “Are you still fucking talking about it”. “We should all fuck off” and lastly, “I’ve never been to a fucking game where a bunch of 15years olds were giving it large”.

7. Following the Match, the Respondent charged the Appellant with a breach of FA Rule 3 - Improper Conduct (including foul and abusive language) in a letter, dated 7 November 2024.
8. The Appellant’s club, Romsey Town, responded to the charge on behalf of the Appellant by submitting a Deny Correspondence.
9. The Commission, consisting of members of the Southern Regional Case Panel, sat on 6 December 2024 to consider the charges brought against the Appellant. Thereafter, the Commission heard the matter by way of a non-personal hearing.
10. Having considered the evidence before it, the Commission found the charges proven and sanctioned the Appellant to a 5-match ground ban suspension from all football and football activities and a fine of £35.00 (the “**Decision**”). Furthermore, 9 penalty points were awarded against Romsey Town.
11. The Appellant, in an undated Notice of Appeal (the “**Notice**”), appealed against the Decision on the following two grounds:
- The Commission came to a decision to which no reasonable such body could have come; and
 - Failed to give the Appellant a fair hearing.

The Appellant’s Submissions

12. The Appellant’s stated position in the Notice in relation to the first ground was:

“Notwithstanding that the accusations are completely refuted, these allegations have been raised in my opinion purely as a distraction against the serious violent conduct that occurred during the game whereby a player from Andover New Street threw several punches at a Romsey Town Youth player and received a straight red card for it. There is no mention (of course!) of the red card by any of the Andover New Street witness statements, and (more concerning) not by the referee either.”

13. Further, the Appellant stated in the Notice:

“As this red card was, in my opinion, the only reason this charge has been brought, as a distraction, I am very disappointed and concerned there has been no evidence of Hampshire FA / the Regional Disciplinary Panel to conduct even the most basic of enquiries. It’s as if it didn’t happen at all in their eyes, and they have instead taken at face value all that was reported by Andover New Street and ignored all that was reported by Romsey Town Youth”.

14. The Appellant concluded his submissions in relation to the first ground by stating that:

“By ignoring the red card and serious violent conduct, I have clearly not been given a fair hearing. I have acknowledged (and so has the witness statement of our Club Secretary, who was present at the match), that I could have behaved differently, but I did nothing that I have been accused of, in particularly swearing at children.”

15. Turning to the second ground, the Appellant, stated in the Notice that:

“There is no evidence whatsoever that Hampshire FA / the Regional Disciplinary Panel have sought to confirm or deny the violent conduct that took place in the match by the Andover New Street player. Had they done so, they would have “naturally obtained a clearer picture of events that day, and I believe would have come to a different conclusion. An inquisitive mind would surely wonder the purpose for hiding something so important?”

16. The Appellant concluded his submissions by adding the following:

“The reason why it would be substantially unfair not to alter the original decision is because... no consideration whatsoever has been taken to the motivation for Andover New Street to accuse me of these actions. It was purely raised as “revenge” for their own player’s violent conduct and to detract from that.”

17. The Appeal Board noted that the Appellant completely refuted the comments attributed to him and, as far he was concerned, *“they simply did not happen”*. Furthermore, the Appellant believes that the only reason why the allegations were raised against him in the first place was:

“...as an attempt to deflect from what would be a significant sanction upon themselves for the violent conduct by their player who was shown a straight red card by the referee for throwing several punches at our player.”

18. The Appellant believes that the red card is, *“imperative to my case as it gives context as to why the accusations were made...”*

19. The Appeal Board noted that the Appellant also stated in his written submissions that no consideration had been given to the motive behind Andover’s actions (to presumably raise the complaint against the Appellant in the first place) and further, the Appellant saw this action by Andover as *“revenge for their own player’s violent conduct and to detract from that”*.

New evidence

20. The Appellant sought to adduce new evidence before the Appeal Board. The Appellant explained (in the Appeal) that new evidence had not been available to the Commission because:

“...it has occurred after the original charge was made and witness statement gathered”.

21. Moreover, this new evidence was relevant (as far as the Appellant was concerned) because:

“It evidences the chain of events after the charge was raised whereby Hampshire FA “chased several times” and “not yet, still chasing” for the referee’s statement. When it arrived it didn’t even mention the red card issued for violent conduct of the Andover New Street player.”

22. This new evidence was considered, discussed and thereafter allowed by the Appeal Board.

The Respondent’s Submissions

23. The Respondent responded to the Notice in a letter dated, 3 February 2025 (the “**Response**”). The Respondent stated in the Response that the Appellant had been charged with E3 – Improper Conduct (Including foul and abusive language). The Respondent added that the club (Romsey Town) responded to the charge via the whole game system, and entered a plea of Deny Correspondence. Thereafter, the case along with all documents was presented to a Regional Discipline Case Panel on the 6th December 2024 as a Deny Correspondence.

24. The Response also highlighted the fact that the charge had been found proven by the Commission on the evidence produced and that all documents were available to the Commission when they made their decision - and these were available on the whole game system.

Determination

Came to a decision to which no reasonable body could have come

25. The Appeal Board noted that the Appellant (in his written submissions) had been at pains to point out that the Commission had not sought to acknowledge the purported violent conduct of an Andover player, which resulted in a red card, during the Match.
26. The Appeal Board also noted that the Appellant was of the view that if the Commission had investigated the above further, it would have obtained a clearer picture of things - and presumably arrived at a different decision.
27. In particular, it was noted by the Appeal Board that the main thrust of the Appellant’s submissions centred on the fact that the Respondent had made no mention of an incident of violent conduct by an Andover player during the Match.

28. The Appeal Board failed to see the correlation between the above conduct of a player during the Match, which would then justify the comments and behaviour of the Appellant. Moreover, even if this red card had been taken into consideration by the Commission, the Appeal Board were of the view that it does not vindicate the behaviour/comments of the Appellant in any way.
29. There were several witness statements produced by the Respondent in support of the comments and aggressive attitude of the Appellant. Further, the referee noted the aggressive attitude of the Appellant too during the game.
30. Furthermore and since this is a review, it is not open to the Appeal Board to disturb the Commission's evidential conclusions unless any one or more was unreasonable. We cannot characterise those conclusions as unreasonable. It was open to the Commission to apply due weight to any evidence which was submitted in writing.

Failed to give the Appellant a fair hearing

31. The Appellant's written submissions on this ground centred on the red card and purported serious violent conduct by an Andover player.
32. The Appellant clearly believes that he was not given a fair hearing as a consequence of the above.
33. However, whether the Commission considered this or not, the Appeal Board was unanimous in its view that it (the red card) cannot be used under any circumstances as an excuse for the conduct and comments made by the Appellant during the Match. Moreover, the Appeal Board was of the view that the Appellant could not use this as a shield, thus negating his comments and behaviour.
34. The Appeal Board was also unanimous in its view that the Commission had considered all of the available evidence and had arrived at a decision that was fair in the circumstances and that the Appellant had been given a fair hearing.

Conclusion

35. For the reasons set out above, the Appeal Board decided (unanimously) that the Appeal should be dismissed.
36. That the Appeal fee should be forfeited.
37. The Appeal Board's decision is final and binding on the parties.

David Winnie

Christopher Goodman

Roger Burden

13 January 2025