

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL  
ASSOCIATION

BETWEEN:

MATTHEW JACKSON

Appellant

and

WEST RIDING FA

Respondent

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WRITTEN REASONS OF THE APPEAL BOARD

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**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**’) appeal brought by Matthew Jackson (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 23 December 2024, to sanction the Appellant.
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 Board considered the entirety of the materials put before it.

**Background**

4. A match took place between Travs AFC (“**Travs**”) and Kirkstall Crusaders FC (“**Crusaders**”) on 9 November 2024 (the “**Match**”).
5. It was alleged that the Appellant used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations.

6. The above refers to the allegation that after being sent off for a separate offense, the Appellant used comment(s) towards the match official, including but not limited to the following:

*“[I will] smack [you], bald cunt”, and “Just you wait until after the game, you're getting it...”*

7. Following this, the Respondent sent a charge letter, dated 15 November 2024, (the “**Letter**”) to the Appellant’s club – Crusaders – citing a charge against the Appellant for an alleged breach of FA Rule E3 – Improper Conduct against a Match Official – (including threatening and/or abusive language/behaviour).
8. Amongst other things, the Letter stated that the Club Secretary of Crusaders was obliged to make the Appellant aware of the charge and also to show him the Letter.
9. In an undated Response to Charge, Crusaders notified the Respondent that the Appellant pled guilty to the charge, and wished for the case to be dealt with in absence of the Appellant.
10. A hearing was convened before the FA National Serious Discipline Panel Disciplinary Commission (the “**Commission**”) on 10 December 2024 (the “**Hearing**”).
11. The Commission had referee, Tommy Lee Scott’s, match report before it to consider and as the Appellant had accepted the charge, the Commission were only tasked with considering the appropriate sanction.
12. The Appellant was sanctioned to 154 days suspension from all football activities as from 16 December 2024 until 25 May 2025. The Appellant was also fined £175, and 8 disciplinary points were recorded against Crusaders. The Appellant was also ordered to complete an Online Education Workshop no later than 26 May 2025 (the “**Sanction**”).
13. By an undated notice of appeal (the “**Notice**”), the Appellant appealed against the sanction on the grounds that:

– Failed to give the Appellant a fair hearing.

### **The Appellant’s Submissions**

14. The Appellant appealed the Sanction on the basis that Crusaders did not inform him of the charge and thereafter, failed to notify him that it had responded on his behalf:

*“The club received and responded to the charge letter without consulting me first and didn’t give me any opportunity to respond or accept the charges.”*

15. The Appellant, in the Notice, also added that:

*“The first time the misconduct charge was brought to my attention by my former club was on the 30th November via a screen shot on What’s App. On this*

*screenshot it stated the response due date was the 29th November. This means the chance had already passed to respond to the charges, however I later found out the club had done this themselves, again without consulting me”.*

16. The Appellant then received an email from Crusaders dated 11 December 2024, (the “**Email**”) which contained attached written reasons. The email stated, amongst other things, that:

*“By return of the charge letter, unsigned and undated, MATTHEW JACKSON accepted the charge and asked for the case to be considered in his absence by correspondence”.*

17. The Appellant goes on to state in the Notice that the Email also states:

*“With Matthew Jackson accepting the charge, the Commission were only tasked with considering and imposing sanction” also ‘Neither Matthew Jackson nor his club submitted a statement or a response, with the player accepting the charge by means of returning an unsigned and undated charge letter”.*

18. The Appellant contends, in the Notice, that if he had received the charge letter then he would have provided a response, rather than accepting the charge. The Appellant contends that Crusaders have not responded to his communications.

19. The Appellant’s case rested on the fact that no evidence was asked for by Crusaders from the Appellant or, more specifically, for his response.

20. Moreover, the Appellant also contends that he was first notified by Crusaders about the matter on 30 November 2024. A response to the misconduct charge was required by 29 November 2024. Therefore, even if Crusaders did not respond, the Appellant argues that he would have still missed the opportunity to respond anyway.

### **The Respondent’s Submissions**

21. The Respondent responded to the Notice in a letter dated, 30 December 2024 (the “**Response**”). In the Response, the Respondent states:

*“West Riding County Football Association (“WR”) acted in accordance with the Regulations of the Association and in a fair and judicial manner”*

22. The Respondent goes on to state that it received notification via the Whole Game System that the Appellant had accepted the charge by way of correspondence and that no further evidence was submitted in response.

23. Moreover, the Respondent also states in the Response that:

*“On Friday 06 December 2024 WR contacted the club secretary of Kirkstall Crusaders FC to offer a final opportunity to provide a written submission to the case, stating that this must be provided by no later than Monday 09 December 2024. Having received no response, WR supplied the case bundle to The FA who arranged the hearing”.*

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.
25. The Respondent highlighted the Appellant’s submissions to the extent that he attributes fault to Crusaders for not allowing him to respond to the charge. Moreover, the Appellant did not attribute any fault to the affiliated association (the Respondent) or the Commission.

### **Determination**

#### **Failed to give the Appellant a fair hearing**

26. The Appeal Board noted that the Appellant admits that he would have denied the charge if given the opportunity to do so. However, he was not afforded the opportunity due to Crusaders immediate denial response.
27. Moreover, having noted that there were no written submissions from the Appellant, the Respondent followed best practice by writing to Crusaders, giving it an additional opportunity to provide written submissions. Crusaders did not reply to the Respondent.
28. Given Crusaders slipshod practices, the Appeal Board concluded that it was more likely than not that Crusaders did not notify the Appellant of the charge, thereby denying him the opportunity to attend the Hearing and make his case before the Commission.
29. Having not been given this opportunity to defend himself, the Appeal Board agreed unanimously that the Appellant had not received a fair hearing and that such an opportunity should be offered to him.

### **Conclusion**

30. For the reasons set out above, the Appeal Board decided that the Appeal be allowed on the grounds that the Appellant was not afforded a fair hearing through the conduct of Crusaders, and no fault is laid upon the Respondent in this respect.
31. In order to give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the following:
  - i. Remitted for a rehearing by a fresh Disciplinary Commission.
  - ii. The Appellant is to be provided the opportunity to respond to the charge and submit any evidence in defence before the fresh hearing.

iii. The sanction is expunged as the decision of the original Disciplinary Commission is set aside pending the remitted rehearing.

32. There was no order as to costs and the appeal fee is to be returned.

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

**David Winnie**

**Christopher Goodman**

**Roger Burden**

**13 January 2025**

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