

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION

ON 1<sup>st</sup> May 2025

David Reade KC, Chris Harrop-Griffiths and Terry Angus

BETWEEN:

SEAN TYLER-BROWN

Appellant

And

ESSEX FA

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board (“the Board”) was appointed to determine an appeal under The Football Association’s (“The FA”) Disciplinary Regulations - Appeals 2024/25 (“the Appeal Regulations”) brought by Sean Tyler-Brown (“the Appellant”) by Notice of Appeal dated 6 March 2025
2. By the Notice the Appellant sought to appeal the decision of a Disciplinary Commission, dated 19<sup>th</sup> February 2025, convened on behalf of Essex FA ( “the Respondent”) to hear a charge that the Appellant was in breach of FA Rule E3 - Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

3. The Appellant had denied the charge and asked for an in person hearing. It is understood that the Commission heard the charge over two evenings together with a number of separate charges, against others, arising out of the same match.
4. The Disciplinary Commission found the Charge proven as recorded in a Result Letter dated 10<sup>th</sup> February 2025 and sent to the Appellant on that date. The Result Letter recorded that the Charge against the Appellant was found proven on the balance of probabilities by the Commission.
5. The Commission concluded that there was no reason to depart from the recommended entry point for the offence ruling that the Appellant should face a suspension from all football activities for a period of 1 year. Credit was given for the period which the Appellant had been subject to an Interim Suspension Order. The Commission further imposed a fine of £200 and a requirement that the Appellant complete an education programme.
6. The Appellant's notice of appeal appealed on the ground that the Commission had imposed a penalty, award or sanction that was excessive. The notice of appeal did not identify any new evidence which the Appellant wished to submit at the hearing.
7. The appeal was heard on 1<sup>st</sup> May 2025 by way of MS Teams. The Appellant did not attend in person but attended through two representatives, Paul Hamilton and Katherine Wilson both of Burham Ramblers FC. The Respondent did not attend although they had been given the opportunity to do so.
8. The Board had before it:
  - a. The Notice, with supporting materials,
  - b. The Respondent's written Response,
  - c. The Papers of First Instance, before the Commission,
  - d. The Decision appealed and the written reasons for the Decision,
  - e. Correspondence between the parties and further materials submitted over the course of the appeal proceedings.

9. The Appellant, through Mr Hamilton, made submissions.
10. The Board considered the entirety of the materials which the parties put before us, and the submissions made. If we do not explicitly refer a particular point, document or submission, it should not be inferred that we have overlooked or ignored it. We have considered all of the matters placed before us.

### Background

11. The Appellant was subject to a disciplinary charge which arose out of a match played between Burnham Ramblers Reserves and Epping Town First, a Prokit UK Essex Olympian Football League match played on Saturday 26th October 2024. The match referee was Mark Bradshaw.
12. The Board were told, and have no reason to doubt, that the Commission had heard a number of charges arising out of the same match. It appears to have been a fractious match. The Board was further told that other charges, which were not laid against the Appellant, were dismissed.
13. Although he had indicated an intention to attend the Commission hearing in person in the event the Appellant did not attend. The Commission noted the following:

*“on the evening of the hearing, the Secretary informed the Commission that although Mr. Brown had confirmed earlier in the week that he would be attending, that day the Secretary had been told that Mr. Brown would now not be appearing before the Commission, allegedly due to his anxiety about the hearing and Charge he was facing. The Commission received nothing in writing from Mr. Brown in respect of his non-appearance”*
14. The Commission, perfectly properly, decided to proceed by hearing the charge on the papers.
15. It is a point of note that the Commission did not need to determine a conflict of fact as it found that on the written account of events given by the Appellant he had admitted facts on which he had knocked the Referee’s red card from his hand when he was

about to issue the player with the card. Perfectly correctly, the Commission concluded that under the Regulations striking the card, which formed part of the referee's, equipment, was physical contact with the Referee under the Regulations. On the Appellant's own account the Commission found the charge to be proven.

16. The Commission considered aggravating and mitigating factors and in a perfectly reasoned conclusion stated the following:

*“on the facts, the Commission considered there to be one aggravating factor: the overall impact on the reputation and integrity of the game. Although some of the defence witnesses submitted the Respondent was justified in what he did due to the manner of the Referee, and perhaps a viewed it as more of a petty response, the Commission strongly disagrees with this. Rather physically knocking the card / notebook out of Mr. Bradshaw's hand is insulting and humiliating, the kind of behaviour that has no place in the sport. The only mitigating factor in the Respondent's favour was that he had no previous offence history. In totality therefore the Commission saw no reason to depart from the recommended entry point, ruling that the Respondent should face a suspension from all from football and all football activities (for the avoidance of doubt playing, refereeing, coaching, touchline, ground/venue and administration) including Training for a period of 1 year. Credit is to be given for the period which Mr. Brown has been subject to an Interim Suspension Order.”*

#### The Board's Reasoning

17. On the face of the Commission's reasoning the sanction was not excessive.
18. The Appellant did not attend before the Board as he had not before the Commission. The reason given was anxiety and the decision not to attend was a late one on the part of the Appellant, as appears to have been the case before the Commission.

19. Further explanation was sought by the Board. It was noted that in the notice of appeal reference was made to the sanction being imposed at a “crucial bridging stage” for the Appellant. The explanation was that the Appellant had wished to pursue a career as professional player but had recently been released from Colchester United Academy. The Appellant is 20 years of age. It was explained that this had had a significant impact on the Appellant, explaining both his anxiety and his behaviour giving rise to the offence, which was inconsistent with his previous good disciplinary record.
20. These were mitigating factors which should have been placed before the Commission but were not. That may in part be explained by the fact that this was one of a number of charges being addressed by the Club. Crucially the mitigating factor itself impacted on the Appellant in causing him not to attend the hearing below so as to set out these facts in mitigation on his own behalf.
21. Whilst then not expressly articulated on the notice of appeal the Board saw this is an application to adduce new evidence for the appeal. In accordance with Regulation 10 of the Non-Fast Track Appeal Regulations, the Appeal Board having considered the submissions, allowed the application on the basis that the evidence related to the personal circumstances of the Appellant and were reflected in his non- attendance before the Commission below. That explained, in part, the failure to present this information in mitigation. The Appeal Board considered that there were then exceptional circumstances on which to permit this evidence to be admitted.
22. Having admitted that evidence the Board concluded that it would have materially impacted on the determination of sanction and led it to conclude that sanction was excessive. The Board make clear that the sanction imposed by the Commission was appropriate when it did not have the admitted evidence before it, but was excessive when the new mitigating evidence was taken into account.
23. The Board considered the sanction anew, having permitted the appeal. This was clearly conduct which merited suspension but concluded that a reduction from the entry point of 12 months was appropriate. The suspension was reduced from 365 days to 244 days. The fine and Education course remained appropriate.

Conclusion

24. The Board therefore allows the appeal.
25. To give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the following:
- a. The suspension will run from 13/12/2024 – 14/08/2025
  - b. The Online Education must be completed prior to the suspension ending
  - c. There was no order as to costs and the appeal fee is to be returned.
26. The Appeal Board's decision is final and binding on all parties.

David Reade KC  
Chris Harrop-Griffiths  
and  
Terry Angus  
13<sup>th</sup> May 2025