

**In the matter of an Appeal brought by Mr. Erik Rawdon (the ‘Appellant’ or ‘ER’) against a decision made by a Disciplinary Commission of the Lincolnshire FA (“the Respondent”).**

**Written Reasons**

**Background**

1. Following a fixture between Horncastle Town First and Keelby United First on 26<sup>th</sup> August 2021, Lincolnshire FA received a report from the Match Official that at the end of the match his assistant referee reported to him that the Horncastle bench and in particular ER had been constantly swearing at him for the duration of the game. There was no request during the match from the assistant referee to have ER dismissed. After the match ER made the following comments to the referee *“Your decisions fucking shit; you’re an joke (sic) and how can you not fucking give that etc”*. Comments reported by the assistant referee included *“that ball fucking went out, you weren’t even looking”; you don’t know what your (sic) doing, fucking useless; not surprised as you’ve been a fucking waste of time and useless all game.”*
2. In an email response as part of the investigation the assistant referee confirmed that he did not feel threatened by ER when the abuse was directed at him by ER at the end of the match.
3. On 20<sup>th</sup> September 2021 ER was charged under FA Rule E3 with Improper Conduct against a match official (including threatening and/or abusive language/behaviour).
4. ER responded to the Charge on 4<sup>th</sup> October 2021 pleading guilty and requested that the case be heard by way of a paper hearing in his absence. ER had submitted a written explanation apologising if his conduct had caused any person to feel threatened or failed to set an example to coaches and fans adding that he never intended to threaten anyone but if his behaviour made someone feel threatened then he apologised profusely.

5. The Case (10484176M) was considered by Mr Andre Duarte Costa as a stand-alone Chairperson ('Commission Chair') on 30<sup>th</sup> September 2021.
6. The Commission imposed a sanction of a 130 day ban from all football activity and a £70. In addition, ER was required to complete an on-line education course and Horncastle FC received 7 penalty points.
7. The decision and sanction were relayed on 13<sup>th</sup> October 2021.
8. ER appealed the Commission's decision on the basis that Lincolnshire FA had '*imposed a penalty, award or sanction that was excessive*'.
9. In its Response to ER's Notice of Appeal, Mr Duarte Costa stated that the sanction imposed was proportionate on the basis that ER had pleaded guilty. The Commission had followed the sanction guidelines with the range of sanction being between 56 and 182 days and the recommended entry point being 112 days. The Commission started at 112 days and added a further 18 days for the persistent and excessive use of the foul and abusive language.

### **The Appeal**

10. The Appeal was heard via Microsoft Teams video link on 23<sup>rd</sup> November 2021. The Appeal Board Members were Yunus Lunat (Chair and Independent Panel Member), Terry Angus (Football Panel Member) and Peter Powell (Independent Panel Member).
11. Conrad Gibbons of the FA acted as Secretary to the Appeal.
12. The Appellant ER was in attendance. He was accompanied by Ashley Ward.
13. Lincolnshire FA was represented by Alistair Hayes. Also in attendance was the original Commission Chair, Andre Duarte Costa.
14. The Appellant ER addressed the Panel and set out his position. This was essentially the background facts that are set out in his written grounds of appeal.

15. Lincolnshire FA and Mr Costa were asked if there was any change to the position that had been set out in the Response to Notice of Appeal. Both confirmed that the Respondent had not changed its position on the matter.

### **Appeal Panel's Conclusions**

16. The Appeal panel unanimously concluded that whilst ER had pleaded guilty, and that his behaviour was improper and abusive, the evidence before the Commission was that it was not threatening. The assistant referee confirmed that he did not feel threatened. The Commission had focused upon the threats to the referee, either real or perceived. The words shouted by ER did not at any stage threaten nor imply that the match officials would be subject to any physical abuse or harm nor was there a raising of hands.

17. The Commission also noted that whilst the Commission had taken into account the guilty plea, no discount had been allowed.

18. The Appeal Board took into account the factors in paragraphs 16 and 17 and substituted a penalty of 75 days. This was reached from a starting position of the recommended entry point of 112 days, and then discounting this by one third for the factors in paragraphs 16 and 17.

19. The Appeal Board upheld that the original fine of £70 and the 7 Club Disciplinary points originally imposed by the Disciplinary Commission were to remain enforceable against ER.

20. In addition, the Appellant's appeal fee is to be returned.

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

Yunus Lunat – Appeal Board Chair – 30<sup>th</sup> November 2021

Terry Angus

Peter Powell