**IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE**

In the matter of an appeal by Crewe United Football Club against a decision of the Mid Ulster Football League Management Committee (hereinafter referred to as MUFL)

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Ms Emma McIlveen

Mr David Lennox

**Decision:**

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Thursday 8th December 2022. It concerns an appeal brought by Crewe United Football Club (‘the Appellant’) against a decision reached by the Management Committee of the MUFL (‘the Respondent’) to award a 3-0 win to Bourneview Mill FC as a consequence of a match abandonment on 24th September 2022 between Bourneview Mill FC and the Appellant.

Following the abandonment the Appellant was issued with a Notice of Complaint for the alleged breaches of Article 23.1 and Article 33.2 of the IFA disciplinary Code. The Appellant challenged the Notice of Complaint and the IFA Disciplinary Committee (hereinafter referred to as the D.C) considered the challenge on Wednesday 19th October 2022, ultimately concluding that the Notice of Complaint for both the alleged breaches (Article 23.1 and Article 33.2) were proven to the requisite standard and the challenges by the Appellant were not upheld. The D.C did however also take into consideration that the Appellant “were not the sole contributors to the abandonment” when considering which sanction should apply.

In light of the findings reached by the D.C and having established that Bourneview Mill FC had not been issued with a Notice of Complaint in relation to the aforementioned match abandonment the Respondent unanimously voted to award a 3-0 win to Bourneview in accordance with MUFL rules and specifically 11b i d. The Appellant was notified of this decision in writing via a letter from the Respondent dated 8th November 2022. It is this decision, as well as the process followed in reaching this decision, that forms the basis of the Appellant’s appeal.

Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the appeal shall be upheld so that the decision of the Respondent to award a 3-0 win to Bourneview Mill FC is to be rescinded and the match between the Appellant and Bourneview Mill FC should be replayed on a date suitable to both clubs, as well as the Respondent’s fixture commitments.

**Attendees:**

The Appellant was represented at the Hearing of this appeal by Eamon McCarthy, Manager and Peter Moorhead, Disciplinary Officer. They each gave evidence to the Appeals Committee. The Respondent was represented by Sean O’Neill, Chair, Maurice Johnston, Vice-Chair, Stephen Magill, League Secretary, and Paul Suckling, Fixtures Officer, all of whom provided evidence to the Appeals Committee. The Appeals Committee would like to express their gratitude for the helpful and informative manner in which all of the attendees conducted themselves during Hearing.

In addition to the evidence submitted on behalf of the Appellant and Respondent the Appeals Committee noted the letter dated 11th November 2022 and enclosures submitted on behalf of the Appellant and the letter dated 17th November 2022 submitted on behalf of the Respondent. The Committee has made the following findings following a detailed analysis of the facts available:-

1. The Respondent has made clear both in oral testimony and in writing that as there was no charge or sanction applied to Bourneview FC following the D.C meeting on 19th October 2022, the Appellant was held to have fully responsible for causing the abandonment of the match. In light of this the Respondent proposed, and was seconded without counter-proposal, to award a 3-0 to Bourneview FC. This was unanimously agreed by the Respondent. Whilst the Committee understands the intended rationale for this decision it is also cognisant of the fact the D.C had clearly stipulated in their decision letter dated 20th October 2022 that “Crewe United were not the sole contributors to the abandonment” and no evidence was adduced on behalf of the Respondent to demonstrate that they had actively considered the possibility that the Appellant were not fully to blame for the match abandonment;
2. The Appellant provided evidence accepting that they ought to have lodged a complaint against Bourneview FC pursuant to Article 39.1 of the IFA Disciplinary Code within 14 days of the initial match if they felt Bourneview Mill FC were also a cause of the abandonment. The reason for not doing so, based on the evidence provided, appears to have been a lack of appropriate familiarity with the rules, as well as a misunderstanding as to the scope of the D.C’s remit when the Appellant submitted their challenge to the Notice of Complaint.
3. Given the issues in dispute between the parties, the Appeals Committee has sought further specificity from the D.C on the following issues:-
4. Whether the D.C. felt the abandonment of the match arose, in part, due to the conduct and behaviour of any Bourneview players, management, staff or supporters;
5. Whether the D.C told Crewe United that they were unable to take any action against Bourneview as Crewe United had failed to lodge a counter claim against Bourneview under the IFA rules; and
6. Finally, whether the D.C. considered whether they had the power under the IFA rules to issue a Notice of Complaint against Bourneview on their own initiative, as a result of the information which came to light regarding their role during the disciplinary hearing
7. The D.C have responded to the Appeals Committee and their request for additional information as follows:-
8. The D.C felt that the evidence that was heard during the course of the Disciplinary hearing suggested that Bourneview Mill may have contributed to the cause of the abandonment. However, the DC could not determine this as they had not heard any evidence from Bourneview Mill.
9. The D.C informed Crewe United that the club would have been open to submit an official complaint against Bourneview Mill under the provision of Article 39 of the IFA Disciplinary Code. However, such a complaint had not be received for the DC to consider.
10. The DC felt that Bourneview Mill may have been contributors to the abandonment but that there was not enough evidence to substantiate a Notice of Complaint.
11. Having regard to all of the evidence, to include the responses provided by the D.C, the Appeals Board finds that sufficient evidence exists to suggest that the Appellant was not solely and entirely to blame for the initial match abandonment. To what exact degree either side was responsible is not within the remit of this Appeals Board however it is satisfied that it would be unjust to hold the Appellant fully responsible given the circumstances.
12. It therefore follows that as the Appellant cannot be held fully responsible for the match abandonment that the Respondent’s proposal to award a 3-0 scoreline to Bourneview Mill FC cannot stand and the equitable outcome should be that the match should be replayed on a date suitable to all parties pursuant to the MUFL rules and specifically 11b i a
13. Having regard to the reasons set out above, the unanimous decision of the Appeals Board is that the appeal shall be upheld so that the decision of the Respondent to award a 3-0 win to Bourneview Mill FC is rescinded and the match between this club and the Appellant is to be replayed on a date suitable to all parties. The Board would also remind both clubs, their players, management, staff and supporters, of their obligations pursuant to the IFA disciplinary code, moving forward.

Dated: 3rd January 2023. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board