

IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE

In the matter of an appeal filed on behalf of Player A (abbreviated for the purposes of confidentiality as Appellant is a minor) against a decision of the IFA Disciplinary Committee (hereinafter referred to as the D.C) dated 8th November 2022 and as confirmed to the Appellant's club in writing on 10th November 2022.

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Mr Steven Keenan

Mr David Lennox

Decision:

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Tuesday 13th December 2022. It concerns an appeal brought on behalf of Player A ('the Appellant') against a decision reached by the IFA Disciplinary Committee ('the Respondent') to sanction the Appellant with a 10 match suspension and impose a £150.00 fine on the Appellant's club following a finding that the Appellant had used derogatory and/or racist language towards an opposition player in breach of Article 27.1 of the IFA Disciplinary Code.

Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the appeal is not upheld and thus the original decision reached by the Respondent, to include the accompanying sanction (as set out in the Respondent's correspondence dated 10th November 2022) will stand.

Attendees:

The Appellant was represented at the Hearing of this appeal by the General Manager ("General Manager") of his football club and School Principal ("Principal") that Player A had attended. They each gave evidence to the Appeals Committee.

The Respondent was represented by Adam Gadd, Chair of the D.C and Danielle McMahon, Vice-Chair of the D.C, both of whom also 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 the Hearing.

In addition to the evidence submitted on behalf of the Appellant and Respondent the Appeals Committee noted the written submissions filed on behalf of both parties. The Committee has made the following findings following a detailed analysis of the facts available:-

1. The Appellant's written submissions set out two broad grounds of appeal, namely irrationality and procedural unfairness concerning the original decision reached by the Respondent on 8th November 2022.
2. The Appeals Committee heard evidence from the Principal on behalf of the Appellant that the latter ground was predominantly based on the Principal, in his opinion, not fully understanding his role in the initial disciplinary meeting and hence in his view, that he was "an ineffective representative." This misunderstanding seems to have arisen at the beginning of the disciplinary hearing when the Appellant was asked a question and turned to

the Principal for assistance. The committee heard evidence from Mr Gadd for the Respondent that he had explained the process that was to be followed in the disciplinary hearing at the outset to both parties and that he had intervened to inform both the Appellant and the Principal that the questions must be answered by the Appellant himself and not by other parties in attendance. The Principal also accepted that he was provided with an opportunity to speak near the conclusion of the Disciplinary Hearing but gave evidence that he had formed the impression he may not have been permitted to make representations on behalf of the Appellant during the course of the Hearing itself which restricted the effectiveness of the Appellant's representation.

3. The Appeals Committee finds that the Respondent had adopted appropriate measures both before and during the disciplinary hearing to ensure all parties were aware as to the manner in which the hearing would proceed. These measures took into account the sensitive nature of the complaint against the Appellant as well as the ages of the players involved. The Appeals Committee is satisfied that these measures, to include the aforementioned intervention of the D.C's chair, were correct and constituted efforts to ensure evidence was obtained in a fair, non-adversarial and effective manner. Consequently, no finding of procedural unfairness has been established.
4. It is not within the remit of the Appeal's Committee to re-hear the factual evidence which resulted in the Respondent's original findings however the committee would state that no evidence was adduced during the Appeal Hearing which suggested that the original decision reached by the Respondent fell within the realm of "irrationality."
5. The Appeals Committee heard evidence from both parties concerning both the validity and severity of the sanction applied to include previous, comparable cases and is satisfied that the Respondent applied the correct sanction pursuant to Article 27.1 of the IFA Disciplinary Code which stipulates as follows:-

"Anyone who offends the dignity of a person or group of persons through contemptuous, discriminatory or denigratory words or actions concerning race, colour, language, religion or origin shall be suspended for a minimum of 10 matches. Furthermore a fine shall be imposed."

6. The Appeals Committee heard evidence from the General Manager and the Principal on behalf of the Appellant that the Appellant had missed several matches during the period after the Notice of Complaint had been filed and the Respondent had dealt with the disciplinary hearing. The committee accepts that these absences may well have arisen due to the psychological impact of the complaint as well as the accompanying proceedings, however the Appeals Board holds the view that the 10 match suspension will commence from the Monday following the date of this decision (9th January).
7. Having regard to all of the evidence the Appeals Committee finds that no grounds exist to uphold the Appellant's appeal and the same is dismissed accordingly.

8. The Appellant is suspended for 10 matches from the 9th January and the Appellant's football club are required to pay a fine of £150.00 in light of the breach of article 27.1 of the IFA Disciplinary Code.

Dated: 5 January 2023. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board