

**IRISH FOOTBALL ASSOCIATION
APPEALS COMMITTEE**

***In the matter of an appeal by Donegal Celtic Football Club against a decision of the
The Committee of the Ballymena and Provincial League No. 2***

Appeals Committee:

Martin Wolfe KC (Chair)

Emma McIlveen BL

Ian Beggs

DECISION

This is a decision of the IFA Appeals Committee ('the Committee') which was reached following a hearing which took place at IFA Headquarters on 9 May 2023. It concerns an appeal brought by Donegal Celtic Football Club ('the Appellant') against a decision reached by the Committee of Ballymena and Provincial League ('the Respondent') as set out in correspondence to the Appellant dated the 20 April 2023. Having regard to the reasons set out below, the unanimous decision of the Committee is that the appeal shall be dismissed so that the decision of the Respondent is upheld and the penalty imposed by the Respondent affirmed.

Attendees

1. The Appellant was represented at the hearing by Mr. Owen Baggley (Club Manager). The Respondent was represented at the hearing by Mr. Robert Fenton (League Vice Chair). The Committee was advised that Mr. Billy McIlroy (League Secretary and Treasurer) was unable to attend the hearing through illness.
2. The Committee wishes to express its gratitude to the parties for their attendance at the hearing and for their helpful written and oral submissions.

Background

3. The broad circumstances giving rise to this particular appeal were the subject of a previous appeal which was heard by the Appeals Committee on the 9 February 2023.

4. So far as is relevant to this decision, it is convenient to note the facts which were found by the Appeals Committee at the earlier hearing and which were set out in a decision of the 10 February 2023:
 - a. On the 5 November 2022 Coagh United played Donegal Celtic in a BPL Intermediate League fixture. This was a home game for Donegal Celtic and they won the game by a score line of 3-2.
 - b. Shortly after that game, the Secretary of the Respondent received a telephone call from the Secretary of Coagh United. She raised a query about the eligibility of one of the Appellant's players, recorded on the match-card as 'O'Halloran Eamon', who had reportedly entered the field of play as a substitute during the game.
 - c. From documentation presented to the Committee at the hearing on the 9 February, the Secretary of Coagh United wrote to the Respondent on the 7 November 2022 and elaborated upon her concerns. She said in the correspondence that *"there are a number of issues with this registration, that would mean the player was not eligible to play in the match on Saturday..."*
 - d. Upon receipt of this correspondence the Respondent took steps to investigate whether O'Halloran Eamon had played in the game against Coagh United, and whether he was eligible to do so. As a result of that investigation the Respondent received information which suggested that O'Halloran Eamon was listed on the Donegal Celtic team-sheet for the game against Coagh United, had participated in that game as a substitute, and that he was not registered as a Donegal Celtic player on the Comet system as of the date of that game.
 - e. Having conducted this investigation the Respondent wrote to the Appellant on the 15 December 2022 to address these concerns. The Appellant was told that the Respondent would be convening a meeting in early January 2023 to which it would be invited to address the questions which had arisen. As it transpired, the Respondent convened a meeting in order to consider this matter without inviting the Appellant to that meeting, or without otherwise seeking representations from it. In its decision letter dated 24 January 2023 the Respondent concluded that O'Halloran Eamon played in the game against Coagh United when he was not eligible to participate. The

Respondent penalised the Appellant by deducting three points from the Appellant and imposing a financial penalty of £100.00, and awarded the three points to Coagh United on a scoreline of 3-0.

5. In upholding the appeal following the hearing on the 9 February, the Committee explained at paragraph 22 of the decision that the Respondent had failed to appreciate the “requirements of procedural fairness” and had removed “from the Appellant the opportunity to present its defence.” The Committee ordered the Respondent to convene a hearing as soon as possible in order to afford the Appellant a fair opportunity to make representations in its defence. It was recommended that if it was possible, the hearing should take place before a newly constituted panel.

Further Developments

6. On the 2 March, following the first appeal hearing, the Respondent wrote to the Appellant to advise that the issues regarding the eligibility of O’Halloran Eamon would be considered at a hearing on the 13 March. The Appellant was advised that it was entitled to be represented at that hearing.
7. The Appellant was also advised by the Respondent that the attendance of the following persons was requested: O’Halloran Eamon DOB 20 January 2001; Eamon O’Halloran DOB 19 December 1998. Both persons were asked to attend the meeting with their Birth Certificate or up to date Passport, as proof of identity. The Appellant was also told that Paul McGuire should attend the meeting. The correspondence indicated that Mr McGuire was known to be the Donegal Celtic official who was responsible for registering players on the Comet System.
8. The Committee was advised that none of the persons named in the correspondence attended the meeting on the 13 March. We will say more about this in our findings below. A record of the meeting is contained in correspondence issued to the Appellant by the Respondent on the 23 March. This records that the Appellant’s Mr Baggley admitted that “there was no such person as O’Halloran Eamon DOB 22.01.2023 (sic) thus the registration on the 16 June 2022 was false.” However, the letter goes on to record Mr Baggley’s claim that the player concerned did not enter the field of play:

“...the player in question [that is, Eamon O’Halloran DOB 19 December 1998] did not come on to the field of play as recorded by the Referee on the 66th minute and cautioned on the 75th minute. He claimed a player named Ciaran Carson and ‘O’Halloran Eamon’ had swapped jerseys prior to the game starting and it was Ciaran Carson who came on to the field of play.

“Mr Baggley claimed he informed the referee of the jersey swaup (sic) before the game started.”

9. The record indicates that in response to Mr Baggley’s claim, Mr McIlroy responded by explaining that he had previously spoken to the referee who “was adamant that it was number 18 O’Halloran Eamon who came on to the field of play.” Mr Baggley responded by indicating that he believed that Coagh United had a video recording of the game which could resolve the issue. The hearing was then adjourned to enable further enquiries to be made with the referee regarding the claim that there had been a pre-game swap of jerseys and that he had been told about this, and to establish if a video of the game existed.
10. The Committee was advised that the Respondent spoke to Coagh United about the existence of a video recording, and was told that there was no footage of the second half of the game as the video camera had stopped working at half time.
11. The Committee notes that the referee had initially assisted the Respondent with its enquiries in the days after the game and that the record of this is contained in an undated ‘sequence of events’ document compiled by the Respondent. It records the following events after Coagh United had raised their concerns about the eligibility of O’Halloran Eamon:

“...I was contacted by the Donegal Celtic manager Eamon Baggley who denied the player came on as a substitute in the game but could not name who came on instead of the said person.

“I contacted the referee of the game who is adamant he cautioned O’Halloran Eamon as he checked the said person features with the photograph on the match record sheet...”

12. Following the meeting on the 13 March, the Respondent sought a statement from the referee. It is necessary to refer to this statement in full:

“Following on from our conversation the other night, I can confirm that I would not like to make any changes to the details of the match report I submitted in relation to this match. I believe the details on Comet are correct.

“I spoke to you a day or two after this match when everything was still fresh in my mind and you made me aware of the issue surrounding the player who was on Comet as O’Halloran Eamon.

“I remembered this player’s face as I had spoken to him at the time he came on as a substitute and he was also later cautioned in the match. I was able to check Comet and the picture on the Comet system was the same person who wore the number 18 jersey.

“Furthermore, I’ve been informed that someone representing Donegal Celtic has put forward that I was made aware of a change in number before the match kicked off. I can say that this did not happen. Anytime I’m made aware of a change of player details before a match kicks off, I immediately update Comet before the match starts. If for some reason this is not possible, for example no phone signal, then I record the change on the match card I use for the match where I record goals/subs/cards.

“When I spoke to Billy in the immediate days after the match, I still had this card and there was no change noted, nor do I remember any such conversation taking place.”

13. The Committee had the opportunity to view a relevant portion of the match report which records that number 18 O’Halloran Eamon entered the field of play on the 66th minute as a substitute for player number 8. Player number 19 was Ciaran Carson and as appears from the match report, he was an unused substitute.

14. The correspondence of the 23 March also confirmed that the Appellant did not submit an appeal or challenge in respect of the caution administered by the referee to O'Halloran Eamon.
15. The Respondent convened a further meeting using the Zoom platform on the 5 April, but the Committee was told that this meeting was aborted because of technical issues which prevented communication between all of the persons who wished to attend. The meeting reconvened on the 17 April, and as appears from the decision letter of the 20 April Mr Baggley raised a new point, arguing that he had been advised by "someone within the IFA" that the referee had been failed by the Referee Observer. This was not further explained and was not a point which was raised with the Committee at the appeal hearing. It is not an issue which merits further consideration within this decision.
16. In the decision letter of the 20 April the Respondent set out its determination that its original decision should stand, that is, that Donegal Celtic should forfeit the game and pay a fine of £100.00, and that Coagh United would be awarded the game on a scoreline of 3-0. Within the decision letter the Respondent has indicated the factors which it took into account when making its decision. These included the fact that Donegal Celtic had registered a "false player", the content of the referee's report and the failure of Donegal Celtic to appeal the yellow card in circumstances in which they had contended that the caution wrongly placed against the name of O'Halloran Eamon and which on their account, should have been awarded to Ciaran Carson.
17. The decision also highlighted Rule 11(a) of the Respondent's League Rules which addresses the subject of player and official match information. This is an important Rule in this context, for the reasons set out below. The Rule states that "it is the responsibility of each club to ensure that all the players names on the Comet system are eligible to play. Names of Players and Team Officials to be Confirmed on the System prior to the game by a Responsible Person. Note: the person who confirms the Player and Officials Panel on the Comet system on Match Day should be in attendance at the Game."

Points Raised on Appeal

18. During his wide-ranging submissions on behalf of the Appellant, Mr Baggley emphasised one central point: that the player named on the match report as

O'Halloran Eamon did not enter the field of play during the match and that the referee's report was incorrect in that important respect. He insisted that prior to the game he spoke to the referee, in the company of his Assistant Coach, to explain that O'Halloran Eamon and Carson had swapped jerseys, and he was confident that the referee was aware of the change. He explained that the jersey swap was necessary because of a sizing issue.

19. Mr Baggley went on to complain that the process leading to the findings against the Appellant was procedurally unfair. He claimed that the issue could have been satisfactorily resolved if the Respondent had obtained video footage from Coagh United. He argued that this would prove that the referee had made a mistake and he implied that insufficient efforts had been made to secure that evidence. He claimed that the meeting on the 13 March was adjourned, in part, because the Respondent said it would arrange to have the referee in attendance at the next meeting, but this didn't happen.

20. He argued that the Respondent was guilty of delay in dealing with the matter since the case was considered by the Appeal Committee in February. Within the Appellant's letter of appeal it is recorded that Mr Baggley attended a meeting by Zoom on the 5 April, that he went on line between 7.30 and 8.30 but "no one from the league attended." He also claimed that the Respondent had failed to address the Appeal Committee's recommendation that the case should be considered by a freshly constituted panel. He pointed out that Mr Fenton did not attend the meeting on the 17 April when the final decision was apparently reached, and that Mr McIlroy was not in attendance before the Appeal Committee. Additionally, he accused the Respondent of bias and argued that correspondence sent to the Appellant by the Respondent on the 3 April, which advised the Appellant that a decision would be made by the Respondent "in the absence of your club if they are not in attendance," was evidence that they were never going to win their case.

21. On behalf of the Respondent, Mr Fenton contended that the central question was whether the evidence received by the Respondent established that an ineligible player, O'Halloran Eamon, had played in the game. He pointed to the contents of the referee's report and the written statement provided to the Respondent by the referee as part of its investigation. He emphasised that the statement is quite clear in establishing that

the referee had checked and confirmed that the person who entered the field of play and who was subsequently cautioned was 'O'Halloran Eamon'. Mr Fenton pointed out that the referee had also refuted the Appellant's suggestion that he was approached and spoken to before the game about a change in number, and has clearly stated in his statement that "this did not happen." He highlighted that the Respondent had asked the Appellant to bring Mr O'Halloran and Mr McGuire to the hearing but it had been told that "they wouldn't be coming to any meetings."

22. Mr Fenton denied that the decision of the Respondent was actuated by bias. He pointed out that when a concern is drawn to the attention of the Respondent by a member club, in this case Coagh United, the Respondent is required by Rule 8(c) to investigate the concern and to deal with the matter. He pointed to the detailed investigation which was conducted and insisted that the Respondent is "totally neutral" in its approach.
23. Mr Fenton went on to address some of the procedural concerns raised by the Appellant. He denied that the Respondent had agreed to bring the referee to a meeting. He insisted that the Appellant had only been told that the League would contact the referee, and he argued that it was an acceptable approach in this case to speak to the referee about the claims raised by the Appellant at the meeting on the 13 March, to seek his views, and to obtain a written statement. Mr Fenton explained that the Respondent made efforts to make enquiries into the existence of video footage, but could take the matter no further when Coagh United asserted that a recording had not been made of the second half of the game.
24. Finally, Mr Fenton addressed issues of delay and the constitution of the panel that considered the matter. He explained that it was unfortunate that the meeting which was due to take place by Zoom on the 5 April had to be postponed because of a technical difficulty, and this added a further two weeks to the time-frame. He pointed out, however, that Mr Baggley was quite wrong to suggest that no one from the League attended that meeting, as the communication difficulty had effected Mr McIlroy in particular, but that other officials (including himself) were able to speak to Mr Baggley that night. He also explained that the Respondent took seriously the Appeal Committee's recommendation that "ideally" the further consideration of this matter would "take place before a newly constituted panel" but in the event that wasn't

possible as they could not identify any suitable persons who were prepared to sit on a panel.

Findings

25. In considering this case the Committee reiterates the conclusion reached at paragraph 18 of the decision of the 10 February: the Respondent was empowered to investigate the concern brought to its attention by Coagh United, and to deal with the matter as it thought best. The Respondent was not required to await a Rule 17 protest from Coagh United before intervening.
26. The concern expressed by the Appeals Committee in the 10 February decision was that the Appellant had not been granted any hearing before the Respondent reached a decision and imposed a penalty. That was unfair, and the case was appropriately remitted to the Respondent to convene a hearing and to deal with the matter fairly and appropriately.
27. This Appeals Committee rejects the Appellant's submission that it has been treated unfairly by the Respondent since the matter was remitted to the Respondent. The claim that the process and the decision of the Respondent was actuated by bias, or was pre-determined, is unfounded and is rejected by this Committee.
28. The Committee finds that since this case was remitted to the Respondent, the Appellant has been afforded every opportunity to address the issues raised, and has been enabled to attend a hearing at which they enjoyed the right to be represented, to bring witnesses, to suggest lines of investigation and given the opportunity to comment on the product of that investigation before a decision was reached.
29. It is unfortunate that the remitted hearing could not have been taken forward by the Respondent using a freshly constituted panel, but it is clear from the decision of the 10 February that this was a recommendation to be explored rather than an absolute requirement. Mr Fenton has explained to the Committee and the Committee accepts that the Respondent made efforts to seek new panel members but that this did not prove to be possible. Despite this, the Committee accepts that the panel which reached the decision on the 17 April (as contained in the decision letter of the 20 April) did so fairly having regard to the evidence available to it.

30. It is worthy of note that it has taken a significant period of time to bring this affair to a conclusion, and that has been in no one's interest. The matter giving rise to the concern occurred on the 5 November 2022, and is only now reaching a conclusion more than 6 months later, at a time when the final games of the League season are about to be played. Other clubs will be interested in the conclusion of this process because our decision may have an impact on the final League standings. The delays are unsatisfactory and both the Appellant and Respondent should each reflect on how this could have been avoided.
31. It is recognised that the Respondent is staffed by a small number of volunteers who have limited resources to administer the League's affairs and no doubt have heavy commitments outside of football. The delay in this case has not been helped by the procedural shortcomings which gave rise to the need for the first appeal hearing for which the Respondent must accept responsibility, but it is clear that since that hearing the Respondent has taken steps to try to move matters along. Those efforts were confounded on the 5 April when a Zoom hearing had to be abandoned because of technical issues, but this was clearly beyond the control of the Respondent. It is unfortunate that Mr Baggley suggested in the letter of appeal that no one from the League attended for that meeting. He has acknowledged that this was incorrect.
32. The Committee finds that the Appellant has contributed to delay in these proceedings. The Committee finds that the Appellant's defence to these proceedings has emerged gradually and in a piecemeal fashion, when it knew or ought to have known that the player referred to as 'O'Halloran Eamon DOB 20.01.2001' was a false registration. The Appellant ought to have approached this matter with candour and made its position clear to the Respondent from the outset. This would have avoided much unnecessary investigation. It appears to the Committee that the Appellant's precise position was not acknowledged until Mr Baggley made submissions to the Respondent at the hearing on the 13 March, and it was only at that point that he made the claim that he had spoken to the referee before the game to raise the question of a jersey and number swap. This of course necessitated further investigation, took up additional time and led to more delay.

33. As stated above, it appears to the Committee that the Respondent did not fully explain their response to the concerns raised until the meeting of the 13 March. It is the case that Mr Baggley had taken an earlier opportunity to advise Mr McIlroy that O'Halloran Eamon had not come on as substitute in the game, but it was only at the meeting on the 13 March when he informed the Respondent for the first time that along with his assistant coach, he had engaged the referee in a pre-match discussion of the alleged jersey swap.
34. The Committee finds that in advance of this meeting Mr Baggley must have appreciated that he would be advancing the case that O'Halloran Eamon had not played in the game, that in the Appellant's view this was a case of mistaken identity arising out of a pre-game jersey swap, that the referee had been made aware of that, and that the referee's report was wrong.
35. The Committee considers that if the Appellant was serious about its defence of the allegations, it would have recognised the importance of providing a credible response to the contents of a match report which documented that O'Halloran Eamon had participated in the game. In this context it should have understood the importance of deploying all of the evidence which was available to it. Despite being asked by the Respondent to bring O'Halloran Eamon and/or Eamon O'Halloran and Mr McGuire to the hearing, these witnesses were not produced. Nor did the Appellant see fit to bring the Assistant Coach or Mr Ciaran Carson to the meeting, each of whom should have had relevant evidence to provide.
36. The Committee finds that the failure to bring witnesses to the hearing even in response to a request to do so, is inexplicable if the Appellant wished to persuade the Respondent that the match report should not be accepted. The Committee finds that if the account put forward by Mr Baggley was accurate, the assistant coach should have been able to corroborate Mr Baggley's claim that there was a pre-match discussion with the referee to explain the jersey swap. He should also have been able to say which substitutes were used. Mr McGuire was the club official with responsibility under Rule 11 for confirming the match day squad on the Comet system and he should have been capable, pursuant to those responsibilities, of explaining to the Respondent what had happened on the day of the match. Mr Carson should have been able to say that

he played in the game and was cautioned, and not O'Halloran, and Mr O'Halloran should have been able to confirm that.

37. In essence the Appellant failed to call any further evidence in support of its position and sought to rely on the uncorroborated account of Mr Baggley. Instead of relying on its own evidential resources it suggested that Coagh United's video would resolve the point, and cried foul when this was not produced. When asked why he did not bring witnesses to the meeting on the 13 March, Mr Baggley told the Committee that he didn't see the point. The point of bringing the witnesses to a hearing of the kind which was held on the 13 March is patently obvious and the Committee finds that Mr Baggley's response was unsatisfactory. The Committee is satisfied that the Appellant was fully aware that if a club in this situation had relevant evidence to produce in defence of its position then it should do so, or risk the consequences.

38. The Committee finds that the Respondent was entitled to view the concern which it was investigating through a number of interconnecting lenses. Firstly, as a general proposition League officials must be entitled to regard the report of a referee to be factually accurate unless the contrary can be demonstrated. This is given specific articulation at Article 17.10 of the IFA's Disciplinary Code, for example. Secondly, the referee in this case provided a match report which showed that the ineligible player number 18, O'Halloran Eamon, had entered the field of play, hence corroborating the account given to the Respondent by Coagh United in its correspondence of the 7 November 2022. Thirdly, Rule 11 of the League's rules, which we have set out above, makes it clear that there is an onus on the relevant Club through its 'responsible person' (in this case Mr McGuire) to ensure the accuracy of the information placed on the Comet system in respect of its match day squad. The Committee finds that notwithstanding his ineligibility, O'Halloran Eamon was identified in the match day squad as number 18 and no changes were made to the Comet system with regard to that entry.

39. Against that background the Committee has assessed the defence put forward by Mr Baggley on behalf of the Appellant at the meeting on the 13 March, and the response of the Respondent to that defence. The Committee is satisfied that the Respondent carried out all such investigations as were necessary in the circumstances in order to satisfy the requirements of a fair process.

40. In light of Mr Baggley's submissions, the Respondent asked Coagh United to produce any available video record, but had to accept at face value that no relevant recording was available. It then further investigated the defence put forward by speaking to and seeking a statement from the referee. The Committee finds that the account provided by the referee refutes in specific and comprehensive terms each of the points raised by the Appellant through Mr Baggley. As appears from the statement which we set out above in full, the referee gave a clear account in order to explain how he could not have been mistaken in relation to the participation in the game of O'Halloran Eamon. He had spoken to the player on two occasions during the game, and when the issue of concern was raised with him by the Respondent shortly after the game he was able to consult the Comet images to identify the number 18 who entered the pitch as O'Halloran Eamon. He also confronted the suggestion that a number swap had been addressed with him before the game. He was clear that such a conversation did not take place. Had it taken place, he explained, he would have followed his usual procedure of noting any last minute changes on a match report document.
41. The Committee finds that the Respondent was entitled to rely upon the match report of the referee and the further information provided by him in his statement. It was unnecessary for the referee to attend a meeting with the Appellant and the Respondent. His clear and unambiguous statement, coupled with his match report, afforded a fair basis upon which the Respondent could found its conclusions. The Committee may have taken a different view if the Appellant had placed before the Respondent a credible case that the referee had made a mistake. If a credible case had been presented, it would have been necessary to examine the referee's position at a hearing. But a credible case was not presented by the Appellant. It failed to bring forward any evidence to corroborate the assertions made by Mr Baggley. It failed to challenge the caution awarded against O'Halloran Eamon. More importantly, it failed to bring witnesses to speak to the Respondent so that the Appellant's defence could be explored and tested.
42. In these circumstances the Respondent was bound to accept the account provide by the referee. He was the independent official in charge of the game. Any possibility that he could have made a mistake in his administration of the game is satisfactorily addressed by the steps which he took as explained in his statement. His recollections

that O'Halloran Eamon had played in the game were consistent with those of Coagh United, the originators of the complaint. On that basis the Committee finds that the Respondent was entitled to reach the conclusion that the Appellant had played an ineligible player, and the sanction imposed was entirely proportionate.

Conclusion

43. For the reasons stated herein, this appeal is dismissed, and the decision reached by the Respondent and set out in its decision letter dated 20 April is upheld. The effect of this decision is to confirm that the Respondent's decision that the Appellant shall forfeit the game which occurred between Donegal Celtic -v- Coagh United on the 5 November 2022; the 3 points available to the winners of that game shall be awarded to Coagh United and the record shall show a scoreline of 3-0 in favour of Coagh United; Donegal Celtic shall be fined the sum of £100.00.

Dated: 15 May 2023

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and appears to read 'Martin Wolfe'. Below the signature is a horizontal line.

Martin Wolfe KC

On Behalf of the Appeals Committee