

The Football Association Discipline Commission

(on behalf of West Riding FA)

In the Matter of

Steve Middleton (Yeadon Veterans FC)

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Reasons for Discipline Commission decision Monday 12th December 2016.

The Discipline Commission members were Brian M. Jones (Chairman), Michael Cloherty and Vivienne Aiyela appointed by The Football Association.

Mr Richard Cooper of Manchester FA acted as Secretary to the Commission.

The hearing was conducted by WebEx on Monday 12th December 2016.

The following is a record of the salient points which the Discipline Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.

CHARGE:

By a Misconduct Charge Notification of the 25th November 2016 Mr Steve Middleton was charged under FA Rule E3 – Improper Conduct- Existing sanction for dismissal clearly insufficient.

It was alleged that the automatic 2 match suspension following a dismissal for offensive language was clearly insufficient in that the words “cheating little black cunt” were aggravated by reference to race as set out in charge 8792094M.

It was further alleged that following the dismissal the players conduct was improper in that he used threatening and/or abusive behaviour towards the match official in that he continued to verbally abuse the match official, calling him a “cheating bald headed cunt” and threatened “to knock his fucking teeth down his throat” and “make sure he never refereed again”.

For all levels of football, should it be found that threatening behaviour against a match official took place, The FA’s recommend sanction is a 112 day or 12 match suspension plus a fine of up to £100. When reaching their decision, the Commission will take into account any aggravating or mitigating factors.

The Commission also had to take into account, when reaching their decision, all of the offences as set out in this charge and charge 87020294M.

1. Mr Middleton admitted the charges of E3 Improper conduct (including foul and abusive language; E3(2) Improper conduct aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability and confirmed that he wished the case to be dealt with in his absence and requested that any correspondence he had submitted be considered by the Discipline Commission.
2. It must be made perfectly clear from the outset that the Discipline Commission were not charged with deciding whether Mr Measures was or was not racist.

HEARING:

3. The members of the Commission had before them a bundle of documents which they had read before convening. No useful purpose would be gained by describing in these Reasons each document as that would add to the writer's typing and the readers reading, suffice it to say that the bundle consisted of the following: Misconduct Charge Notification dated 25th November 2016; Report by Referee Reid Haddow dated 14th November 2016; Email from Reid Haddow dated 14th November 2016; Statement from Terrence Ncube not dated; Statement from Tom Addy not dated; Statement from Lee Gilbert not dated; Statement from Robert Edwards not dated; Statement from James Davison not dated; Statement from Andy Ramsden not dated; Statement from Harry Crane not dated; letter from Tim Clement not dated; Statement from Joe Cundall not dated; Reply Form dated 27th November 2016 and Mr Middleton's disciplinary record.
4. The Football Association and County Football Associations take matters of this nature very seriously. For someone to be abused as alleged is a serious matter and equally so for someone to be accused of such behaviour.
5. As can be seen from the above Mr Middleton accepted the charges at the earliest moment.

CONCLUSION:

6. We reminded ourselves that the standard of proof is the civil standard of the 'balance of probability'. That means the Discipline Commission is to be satisfied, on the available evidence that the incident was more likely than not to have occurred. Put simply we had to weigh up the evidence before us and decide which version was most probably true.
7. However the evidence in this matter was clear and not challenged.
8. The members of the Commission were unanimous that on the balance of probability, after considering all the available evidence that the comments alleged to have been made by Mr Middleton were in fact made and had all been admitted.
9. Therefore the charge under FA Rule E3 was proven and as there was clearly an aggravating factor the charge under FA Rule E3(2) was also proven.
10. Clearly the automatic 2 match suspension following his dismissal for offensive language was sufficient and his comments to the match official were threatening.

MITIGATION:

- 11 We were pleased to hear that Mr Middleton had no previous record of misconduct of this nature.
23. We had no mitigation before us and indeed no explanation nor an apology from Mr Middleton.
24. We noted the early admission and that the charges arose out of one incident.
25. We considered that the offence fell either at the lower end of the high category or at the top end of the mid category.

SANCTION:

24. Mr Middleton is to be warned as to his conduct.
25. In accordance with FA Rule E3(2) Mr Middleton will be immediately suspended from all football and football activity until such time as his registered club have completed twelve (12) matches in approved competitions.
26. We decided that the behaviour towards the referee warranted a suspension of 8/9 matches and the discrimination element some 5 matches, and then considered that there was really only one incident and the early acceptance of the charges.
- 27 Mr Middleton be fined the sum of £100.
- 28 Mr Middleton to attend a suitable Education course (FA Rule E3(9)) within the next 4 months or be suspended sine die, details of which will be provided to him by The Association.
- 29 Eight disciplinary points be awarded.
- 30 This decision is subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman).

Michael Cloherty

Vivienne Aiyela

Monday 12th December 2016.