RUGBY FOOTBALL UNION

DISCIPLINARY HEARING - Monday 15 October 2007

Holiday Inn, Leeds Brighouse

JUDGMENT

Player: Alastair Allen (DOB 30-11-1980)

Club: Wharfedale RUFC`

Match: Wharfedale RUFC v. Henley

Date of Match: 29th September 2007

Panel Mike Hamlin (Chairman) Clif Barker

Secretary: Bruce Reece-Russel

In attendance: Alastair Allen – The Player

Peter Hartley - 1st XV Coach

Anthony Davies - Secretary of Wharfedale.

S. Savage – RFU Referees Department – Observer

To consider:

The sending off the Player for an act of stamping on an opponent during (the 29th minute of the second half) during the match between Wharfedale and Henley on the 29th September 2007 contrary to Law 10 (4) (b)

There were no Preliminary Points raised. There was no objection to the composition of the Panel.

The Player admitted the allegation.

EVIDENCE AS TO FACT

The Panel has considered:-

- 1. The sending off report from Andrew Vertigan the referee.
- 2. The written statement of the Player.
- 3. The written submission with regard to entry point and sanction submitted on behalf of the Club.

- 4. The verbal evidence of the Player and the verbal submission made on behalf of the Player by Peter Hartley and Anthony Davies.
- 5. The evidence of the Referee which was not challenged was that Wharfedale were in possession, they had initiated a driving maul 10 metres or so into the Henley half being between the 10 metre and 22 metre lines. Henley sought to fracture the maul and a Player drove down the side of the maul and took two Wharfedale Players with him. These Players were at the Referee's feet. He asked them to release and get on with the game. The maul had continued going forward and was completely detached from the Players on the floor a further 4 to 5 metres further down the field The Referee could see the ball at the back of the maul. The Player after leaving the maul came back to the trio of Players who were on the ground and who were in the process of breaking up and stood on the body of a Henley Player on the floor between the shoulder and hips. He was stamped on some 4 or 5 times in a downward motion. The game was stopped. The Player was dismissed from the field of play. The Panel read the written statement of the Player and also his verbal explanation. He frankly admitted the offence and agreed with the Referee's report. He explained, which the Panel accepted having viewed the video that he detached himself from the driving maul, he could not see where the ball was. He believed (mistakenly) that the ball was between the Players on the ground near to the Referee. The Player then ran up the back of the Henley Player having joined what he believed to be a tackle/ruck on the floor from an onside position. He was of the view that he could ruck him backwards on his body. From the video it was clear that the position of his foot was not a legitimate rucking action but more of an "mountaineering/stamping" downwards on at least 4 occasions.

After the incident, the Player was punched in the face by a Henley Player and there was a minor fracas. The Player received 3 stitches as a result of the punch. The puncher was not disciplined. The victim Player got up and was not injured.

.It was accepted by the Panel that the Player apologised to the Referee and Touch Judge immediately afterwards. The Payer advised that he had been pilloried on the Club's website and also in the local press for his actions.

SANCTION

The Panel undertook an assessment of the seriousness of the Player's conduct and found as follows:-

- 1. The offending was intentional, albeit misguided under the mistaken belief that the ball was beneath the Players on the ground.
- 2. The action was committed with the boot "in a mountaineering fashion" on the Henley Player between the shoulder and the hip on 4 occasions. There was no provocation. The Player was punched as a result of his action by a member of the opposition.
- 3. There was no impact upon the victim in that he was not injured and continued to play.
- 4. There was an impact upon the game in that there was a minor fracas as a result of the Players actions which did in fact result in the Player receiving an injury to his face which resulted in him having 3 stitches. The perpetrator of this punch was not seen and not dealt with by the officials.
- 5. The victim Player was in a vulnerable position on the floor, he was unable to defend himself.
- 6. There was an element of pre-meditation in that the Player took the decision to attempt to "in his view ruck the Player out of the way". It was spontaneous and carried out under the mistaken belief that the ball was beneath Henley Player which it clearly was not.
- 7. The Players actions were completed on at least four occasions and confirmed by the video by virtue of his mountaineering actions.
- 8. There was no other relevant feature or aggravating features.

The Player and his representative had submitted that notwithstanding the intentional act in this case, it was an appropriate case for a low entry point from where the appropriate entry point at the low end. The Panel disagreed.

Taking into account the above factors, the Panel assessed the entry point as mid-entry and five weeks suspension.

MITIGATION

The Panel took into account the following points:-

- 1. The Player's impeccable record and conduct.
- 2. His acknowledgement of guilt.
- 3. His conduct both after the hearing and at the Disciplinary Hearing
- 4. His expression of contrition/remorse
- 5. The Player had represented the County and had also received junior representative honours.
- 6. Contribution to wider game by assisting coaching of junior players.
- 7. He had been subjected to some vilification in the local press and on the website for his actions.

The panel having taken into account the above mitigation, found that the mid- entry point of five weeks could be reduced by two weeks. The sanction is to be reduced to three weeks. The Club had already suspended him until his appearance on the 15th October. The Panel were of the view that the Club had acted properly and their approach was commended.

SANCTION

The Player is suspended for three weeks running from 1st October 2007 to 22nd October 200. The Player is free to play again on the 23rd October 2007

COSTS

The Panel makes an award of costs against the Player of £150.

RIGHT OF APPEAL

The right of a procedure on appeal is set out in the RFU Disciplinary Regulation 12.1.1

The Player at the conclusion of the hearing was advised of his right of appeal.

Mike Hamlin Chairman dated 18th October 2007