

RFU DISCIPLINARY HEARING

VENUE: Holiday Inn, Brighouse, Leeds

DATE: 26th January 2009

Player: ALI FAGAN (DOB: 21.11.89)

Club: Doncaster RFC

Match: Doncaster A v Rotherham A

Venue: Doncaster

Date of Match: 1 December 2008

Panel:

**Mike Hamlin (Chairman)
Clif Barker
Peter Rhodes**

Secretary:

**Liam McTiernan
Tony Simpson (RFU Communications Officer – observer)**

In attendance:

**The Player – Ali Fagan
Steve Salvin – The Academy Manager Doncaster RUFC**

To consider:

On the 1st December 2008, Ali Fagan of Doncaster received 2 yellow cards, one for obstruction and one for retaliation during the match between Doncaster A v Rotherham A contrary to Law 10(4)(k).

PRELIMINARY ISSUES

There were no preliminary issues raised.
There were no objections to the composition of the Panel.

CHARGE AND PLEA

The RFU charge sheet was read out and the Player admitted the offences contrary to Law 10(4)(k).

EVIDENCE AS TO FACT

The Panel considered:-

- a) The charge sheet.
- b) The Referee's disciplinary report dated 2nd December 2008 incorporating the 2 caution reports issued during the game.
- c) Evidence from the Player.
- d) Submissions from Steve Salvin.

THE EVIDENCE

The facts relating to the issue of the 2 yellow cards were contained in the Referee's (John Meredith) report as follows:-

"The first offence was committed in the first half after approx 27 minutes, the circumstances as explained by the Referee were that there was line out on the 5 metre line attacking the Rotherham try line. A loose ball was claimed by the Doncaster number 9, who was tackled whilst still in the air by the Rotherham number 2. The Referee blew to stop play. Several players reacted to the tackle and got involved. The Player (number 1) from Doncaster came in late and made matters worse by continuing the fracas on the ground. Despite repeated whistles he refused to stop and was issued with a yellow card"

The details of the second yellow card as reported by the Referee were as follows:-
"After a penalty to Rotherham for holding on in the middle of the field of play, Rotherham took the penalty and a loose pass was gathered by the Rotherham centre. He cut back inside and chipped ahead. The player was in front of him and he lowered his shoulder and deliberately made late contact with the Rotherham player with his shoulder to prevent him from attempting to gather his kick. This was approximately only 3 minutes after he had rejoined the field from his first yellow card offence. After giving the second yellow card and dismissing him from the field his captain approached me and stated he had no argument whatsoever with the card and that it was blatant".

DECISION

On the basis of the Player's admission the Panel find the Player guilty.

As required, the Panel then conducted an assessment of the Player's conduct and found as follows:-

- a) On both occasions prior to the issue of the yellow cards the Player had acted intentionally. He need not have involved himself in a fracas and late tackled a player on the 2nd occasion.
- b) As such his actions could not be viewed as reckless.
- c) The offending in respect of the first yellow card was an un-necessary intervention and in respect of the second offence an un-necessary late tackle.
- d) There was no injury caused.
- e) There was some effect on the game in respect of the first incident in that he prolonged the fracas on the ground.

- f) On the evidence the victim player in the second offence was vulnerable.
- g) There was some element of pre meditation in the first offence and spontaneous intent on the second.
- h) The conduct was completed in respect of both matters. The Player was foolish in the extreme within a very short period of time (3 minutes) of returning to the field of play he committed a second offence.

It was submitted on behalf of the Player that:-

1. He is only 19 years of age and inexperienced at senior level.
2. His admission and contrite behaviour.
3. His Academy manager has had a one to one discussion concerning his behaviour and what is expected of a senior player.
4. In respect of the first offence he initially went in to pull players apart but became involved with the fracas on the ground.
5. He had been foolish rather than malicious.

In accordance with the Regulations where the Player is issued with 2 yellow cards in one match, the low entry is regarded as sending off sufficient, the top entry is the lower end of the range for the more serious of the 2 yellow card offences. The low entry in connection with both offences is 2 weeks whether the first offence was committed under 10(4)(a) or 10(4)(f) and the same in respect of the late tackle in respect of the second offence, namely 10(4)(e).

SANCTION

In the light of the circumstances the Panel concluded that the appropriate entry point was top entry and therefore the appropriate entry point was a suspension of 2 weeks.

The Panel then considered whether there were any aggravating factors set out in the Regulations pursuant to Regulation 8.2.7 and found there to be one, the Player had been suspended for 4 weeks in 2007/2008 for punching and accordingly the Panel increased the suspension to 3 weeks.

The Panel then considered the mitigating factors as set out in the regulations. In the light of the Players guilty plea, the Panel concluded that the Player merited some discount and reduced it to 2 weeks from the entry point sentence of 3 weeks.

The Player is therefore suspended for 2 weeks from the 26th January 2009 to 9th February 2009. The Player is free to play again on 10th February 2009.

COSTS

Pursuant to Regulation 8.3.1 the Player and/or his club shall play the costs of the hearing of £200 in accordance with the Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgement.

RIGHT OF APPEAL

The Player was advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by no later than 10.00 hours on the 14th day following receipt of this judgement.

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Mike Hamlin
Chairman