## **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

At: Filton Holiday Inn, Bristol.

On: Tuesday 14<sup>th</sup> April 2009

# **JUDGMENT**

Player: Alec Chase

Club: Bridgwater & Albion RFC

Match: Ealing RFC v Bridgwater & Albion RFC

Venue: Ealing RFC

Date of Match: 21st March 2009

Panel: Mike Curling (Chairman), John Doubleday and Rick Charles.

**Attending:** Alec Chase (the Player)

Steve Smith (Chairman, Bridgwater & Albion RFC)

Secretary: Liam McTiernan

**To Consider:** The sending off of Alec Chase, Bridgwater & Albion RFC, for an act of striking during the 31<sup>st</sup> minute of the second half of the match between Ealing RFC and Bridgwater & Albion RFC, contrary to Law 10(4)(a).

#### **Preliminary Matters**

The Player raised no objections to the composition of the Panel.

## Referee's Report

The Chairman read the referee's report to the Player and his representative.

### <u>Plea</u>

On the basis of the referee's report, the Player formally entered a plea of guilty to the charge.

# **DVD Evidence**

The Panel viewed the DVD of the incident several times, in real time and slow-motion. They witnessed the Ealing the victim of the strike take a crash ball from the scrum-half immediately following a ruck, only to fumble and knock on the ball as he attempted to gather it. His run took him into the path

of the Player, who commits himself to the tackle early on, seeing the path the Ealing player's run is likely to take, and ducks his head to make the tackle. A split-second after the knock-on by the Ealing player, contact is made between him and the Player, who wraps his arms around who he believes to be the ball-carrier and lifts the Ealing player into the air.

Realising the ball is loose, the Player can be seen to lower his opponent safely to the ground, but on realising that a scrum has not been awarded to Bridgwater & Albion, clings on to the Ealing player rather than release him to rejoin the play which given his line of sight he was keen to do. The Ealing player attempts to struggle to free himself from the clutches of the Player ultimately using his lower arm to lever himself free. Chase appears to take exception to this, and on releasing the Ealing player, he aims a punch to the side of his head as he attempts to rejoin play a second or two later.

The Ealing player goes down as a result of the strike, but immediately returns to his feet. Chase retreats behind his nearest team-mate as the Ealing player attempts to confront him. At this point, the referee brings play back to where the incident took place and issues Chase with a red card on the recommendation of the Assistant Referee.

#### The Player's Evidence

The Player accepted the referee's report. The Player recalled lifting the Ealing player into the air, and noticing that he was not carrying the ball, decided to lower him to the ground "as an act of goodwill", rather than complete the tackle. As he lowered the Ealing player to the ground, the Player said he could feel the tackled player's hand in his face in the vicinity of his eyes and arm across the jugular. Furthermore, he claimed that he was struck in the back by the elbow of the Ealing player. In retaliation, he aimed a punch at the Ealing player. He admitted to the Panel that he would have been better off not seeking further involvement with the Ealing player.

#### Decision

The Panel did not accept that the Player had been provoked by the actions of the Ealing player, nor did they find that he had reacted in retaliation. There was no evidence on the DVD that the Ealing player had put his hands anywhere near the face of the Player, nor that his arm had been around the neck or throat of the Player. The Player could not explain why there was no reference to a hand being anywhere near his face/eyes in the report of his club's disciplinary hearing. As to the alleged strike with the elbow that the Player alleged the Panel considered this to be an attempt by the Ealing player to free himself away from the Player to be able to rejoin play as his line of sight confirmed. Rather than striking the Player in the back, the Panel found that the Ealing player's contact was a glancing blow (at approx.45 degrees) across the Players neck or shoulder area to force the Player away.

Furthermore, the delay of one or two seconds between the release of the Ealing player and the punch being thrown suggested an element of intent.

The DVD suggested, and the Panel indeed found, that the Player waited until the Ealing player began to rejoin the play before administering the blow. In this situation, given the delay, the Ealing player would not have expected to be struck by a fist and would thus be more vulnerable and less able to defend himself. The Panel therefore found this to be a "cheap shot", and were fortified in that approach by the Player's immediate retreat behind a teammate when the Ealing player did not stay down (as might have been expected) and returned to his feet to confront the Player.

In light of the Player's admission of guilt and acceptance of the facts as described, the Panel found the Player guilty of the charge of striking. The Panel then retired to consider the questions of entry points and sanction.

## **Entry Points**

The Panel then took account of the features of the offending to determine the seriousness of the offences, referring to Discipline Regulation (DR) 8.2.5.

The offending was intentional, namely a strike with a fist to the head or face of an opponent. The Panel found there to be no provocation, nor could one sensibly classify the act as one of retaliation. There was no injury to the player, although he was knocked to the ground. There was a short confrontation immediately after the incident, but the game was not otherwise affected save to the further detriment of the Player's own club. The Ealing player was vulnerable to the extent that he had begun to rejoin play and had turned his back on the Player in order to do so. After this discreet interval, the Player then administered the strike while the Ealing player was blind-sided. The act was completed, not a mere attempt.

A Mid-Range entry point of 5 weeks was considered to be proportionate to the offence.

## **Aggravating Features**

The Panel attempted to identify any factors which may serve to aggravate either offence under DR 8.2.7. There were none. The Player had been sent off for striking while playing for Winscombe, his home-town club, in a Boxing-Day match two seasons ago and suspended for 3 weeks, but the Panel did not feel that this was indicative of a particular propensity to commit foul play.

#### Mitigation

The Panel then paused to consider the mitigation advanced by the Player under DR 8.2.8. The Panel determined that the Player was entitled to credit for his acknowledgment of guilt. However, there was no evidence advanced either by the Player or on his behalf that he had expressed any remorse, or apologised to either the Referee or the Ealing player whom was struck. The Player's conduct at the hearing was perfectly appropriate. Mr. Smith was kind enough to outline the reason for the Club's decision not to take any action of their own against the Player. Drawing upon RFU v Kris Chesney (March

<u>2009</u>), the Club took no further action against the Player, reaching the decision that the sending off was sufficient punishment. The Panel drew various distinctions between that case and this, not least that the outcome of that case was not a finding of guilt, resulting in no further action (as Bridgwater & Albion contend should be the case here); rather, that the case resulted in an acquittal of Chesney, so no further action could or should be taken. The Panel remind Bridgwater & Albion that, in any event, each case that appears before a disciplinary panel is case sensitive and no precedent should be inferred from the result of any one case.

Although wishing to give the Player credit for his guilty plea, the Panel were disinclined to allow a full 50% discount, feeling that such credit as the Player was entitled to be more in the order of 1 week. He could not sensibly have denied the charge in the face of the DVD evidence, and the absence of a totally clean record (although not sufficiently serious to consider adding weeks onto the sanction) fortified the Panel in that approach. The conclusion by the Panel that the punch was a "cheap shot" also factored into this decision.

## **Sanction**

The Player is therefore suspended for four weeks, running from 14<sup>th</sup> April 2009 up to and including 12th May 2009. The Player is free to play again on 13<sup>th</sup> May 2009.

## Costs

The Panel imposed an order of costs of £150 against the Player/Club, in compliance with DR 8.3.1 and Appendix 6 of the DR.

## Right of Appeal

The Player is advised of his Right of Appeal and the procedure thereof under DR 12.1.1.

Signed: Mike Curling, Chairman.

**Date:** 20<sup>th</sup> April 2009.