

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, West Yorkshire

On: Monday, 28th September 2009

Judgment

Player: KRISTYAN FULLMAN **Club:** Hull RUFC

Match : Hull v Macclesfield

Venue: Hull Sports Centre, Ferens Ground, Hull

Date of Match: 19th September 2009

Panel: Antony Davies (Chairman), Mike Hamlin and Barry O’Driscoll
 (“the Panel”)

Secretariat: Bruce Reece-Russel and Brenda Parkinson (RFU Disciplinary
 Department)

In attendance: Kristyan Fullman (“the Player”)
 Leroy McKenzie (Chairman, Hull RUFC)

Decision

1. The Panel found the Player guilty of the offence of striking an opponent with his head. The Panel determined that the Player should be suspended for a period of five weeks from 21st September 2009 to 25th October 2009, inclusive.

Preliminaries

2. There was no objection to the composition of the Panel, nor other preliminary matter.

3. The Panel convened to consider the dismissal of the Player (red card) by the Match Referee, Brendan Fitzmaurice, in the above match for an offence of striking an opponent with his head, contrary to Law 10(4)(a).

4. The Player admitted being guilty of the foul play alleged.
5. The Panel considered:
 - (a) The sending off report of the Match Referee, Brendan Fitzmaurice.
 - (b) A DVD of the incident.
 - (c) Oral evidence from the Player.
 - (d) Submissions from Mr. McKenzie.

The Facts

6. The sending off report recorded as follows :

“Mr. Fullman was a blood replacement for a Hull prop. The first engagement of the resulting scrum involving Mr. Fullman was unsatisfactory. I ordered a reset. The second attempted scrum involving Mr. Fullman was also unsatisfactory. Mr. Fullman was reminded as to the requirements and possible consequences of further non-compliance. Mr. Fullman continued to make an illegal entry into the scrum. I penalised him for boring in on the Macclesfield hooker. The scrum collapsed and a minor scuffle took place. When players stood up Mr. Fullman was standing toe to toe with the Macclesfield hooker and proceeded to head-butt him on the nose, at which a further scuffle broke out. Mr. Fullman was cautioned and shown a red card.”

The Referee added that Macclesfield were always in control of the game. There had been minor niggles throughout the game, but it had never erupted. The Hull Captain had been shown a yellow card for starting a minor fracas. The Macclesfield hooker was able to play on and did not require extensive treatment.

7. The DVD of the incident confirmed the matters referred to in the sending off report. The scuffle referred to involved the majority of both teams and continued for some time after the incident.

The Player’s Case

8. The Player described the game as niggly and frustrating. His team was under pressure in the scrum. He was new to the Club and wanted to make an impression,

having come on as a substitute. He knew his opponent from previous seasons. They were at different Clubs at Level 2. The scrum in question was reset on a number of occasions over a significant period which increased the frustration. He believed that he was pushing straight, but the Referee clearly saw it differently and penalised him for boring in.

9. As the scrum broke up, words were exchanged between other players and there was some pushing and shoving. When it became evident that he was being penalised, the opposing hooker pushed him and called him a “f**king has been”. He reacted very badly to this. He was standing toe to toe with the hooker and he head-butted him once in the face, making contact with his nose. He was immediately sorry and embarrassed. Part of his responsibilities on joining the Club involved using his considerable experience to set a good example to younger players. He realised immediately that he had let the Club and them down.

10. The Player did not seek to justify his action. Instead, he explained that his Club Director of Rugby was a player of considerable reputation, who had been targeted by the opponents throughout the game to that point. He had been the victim of a “spear” tackle which was not seen by the Referee (his Club had seriously considered citing this incident). This had raised emotions. There had been one fracas already and there was always a risk that the game would erupt into violence (as happened).

11. The Player was so ashamed after the game that he left the ground immediately, and it was for this reason that he did not have the opportunity of apologising to his opponent. The victim player played the rest of the game, though he did receive some treatment.

12. The Player has been playing rugby for some twenty seven years, and eight of these as a professional in the Premiership and at Level 2. He is helping with coaching at another Club with which he has links and will be taking a part in coaching the youth section at Hull RUFC. He is an England Schools, England Under 21, Full County and England Counties Player. He volunteered that he had been sent off once previously and received a suspension of three weeks in October 2007 for punching.

Entry Point

13. The Panel considered the following features of the offending to assess the seriousness of it pursuant to DR 8.2.5 :

- (a) The strike was intentional and deliberate.
- (b) The victim player suffered some injury for which treatment was required, though he did play the rest of the game.
- (c) The Player had acknowledged that the possibility of the game erupting into violence was never too far away and his actions resulted in a brawl which included almost all the players on the field.
- (d) There was one strike/contact which was completed.
- (e) The provocation was minor, consisting of a push (not a punch) and a verbal insult. It should not, as the Player acknowledged, have resulted in such a gross over-reaction.

14. Taking account of the above factors, the Panel determined that the appropriate entry point was one of MID RANGE. In accordance with Appendix 2 of the Disciplinary Regulations that gives a starting point of eight weeks.

15. The Panel considered whether there were any aggravating features and concluded that there were not. It accepted the Player's reason for not apologising to his opponent.

16. Thereafter the Panel considered and identified all relevant mitigating factors pursuant to DR 8.2.8 and particularly the Player's good record, given the level and position in which he has been involved over many years. The Panel reduced the eight week period by some three weeks on account of these mitigating features.

Sanction

17. The Player was accordingly suspended for a period of five weeks from 21st September 2009 to 25th October 2009 inclusive. He is free to play again play again on 26th October 2009.

Costs

18. Costs assessed at £150.00 were ordered to be paid by the Player/Club.

Right of Appeal

19. The Player was reminded of his right of appeal as set out in Disciplinary Regulation 11.

Antony Davies

Antony Davies,

Chairman

1st October 2009

Note:

Hull RUFC is to be commended upon its speedy and proportionate response to the sending off of its player. Its Disciplinary Committee met on 21st September 2009 and suspended its player for four weeks with immediate effect. A written minute of its decision had been supplied to the Disciplinary Manager well in advance of the hearing.