

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Venue: Holiday Inn, Leeds/Brighouse

Date: 25th January 2010

JUDGMENT

Player: Dominic Moon (the Player)

Club: Preston Grasshoppers (PGH)

Match: PGH v Huddersfield

Venue: PGH

Date of match: 28th November 2009

Panel: Clif Barker (Chairman), Barry O’Driscoll and David MacInnes

In attendance:

- (i) Liam McTiernan, Secretary to the Panel; and
- (ii) Tony Simpson, RFU Press Officer.

To consider: The sending off of the Player for an act of foul play, namely striking an opponent with the head, during (35th minute of the first half) the match between PGH and Huddersfield on 28th November 2009, contrary to Law 10(4)(a) of the iRB Laws of the Game 2009/2010

Plea: Guilty

Preliminary matters: PGH had informed the Secretary in writing that neither the Player nor PGH intended to attend the hearing and that they were content for the matter to be dealt with in their absence

Evidence as to fact

The Panel has considered:

- (i) The sending off report of the referee, Mark Liddell;
- (ii) Notes of a Disciplinary Hearing held by PGH on 3rd December 2009

The Brief Facts

1. In his written report, the referee describes the incident as follows:

“As I followed play, I turned to see Mr Moon in a tussle with a Huddersfield player. At this point I had not seen any punches thrown by either player. As players from

both teams ran towards them, I blew my whistle and called for nobody to get involved. This left Mr Moon and the Huddersfield player stood up and holding each other. I again saw no punches thrown. It was at this point that Mr Moon headbutted the Huddersfield player to the face. I then issued Mr Moon with a red card. I had an unobstructed view of this from about 2/3m.....The Huddersfield player who was headbutted continued in the game after the incident.....”

2. The Panel have not had access to the Player’s written statement. However, the relevant parts of the notes of the internal disciplinary hearing read as follows:

“Careful consideration and DVD of the incident in question. Noting that the alleged headbutt occurred after the referee’s whistle, although impact cannot be seen. Noted that it appears that another Hopper’s player appears to pull the opposition player to the floor, rather than actions of Mr Moon.

Mr Moon denies that contact was made with the head, but accepts that a forward movement of the head was made by him towards the opposition player while they were face to face. Mr Moon alleges that the opposition player had already thrown 2 punches before Mr Moon was able to grab hold of the opposition player.

The position of the referee was noted to the proximity of the event, although actions of another Hopper’s player pulling the opposition player to the floor does not appear to have been seen by the referee, when considering the position of the referee on the DVD recording.

No injury caused to the opposition player, who received minimal attention following the incident. Noted that no blood was present and the opposition player was able to participate in the penalty awarded following the sending off.

Remorse of Mr Moon was taken into account, but noting his previous dismissal this season.”

3. The DVD was not available to the Panel because, although it had been submitted by PGH, it had subsequently gone astray.

Decision

The Panel finds the Player guilty.

The appropriate Entry Point

Bearing in mind the factors set out in Regulation 8.2.5 of the Disciplinary Regulations (DR) and, in particular that no injury was caused and the opposition player was able to continue in the game, the Panel agrees with PGH that the appropriate entry point is at the **lower end, namely a suspension of 4 weeks.**

Aggravating factors

Having considered Regulation 8.2.7 of the DR, the Panel concludes that there are aggravating factors in this case, which justify **an additional period of suspension of 2 weeks**, namely that, save for the reference in the notes of the internal disciplinary hearing, there is no expression of genuine remorse before the Panel but, in particular, the Panel notes that, on 12th October 2009, the Player was suspended for 3 weeks, having been sent off for an offence of striking with the head. That suspension ended on 25th October 2009 and the present sending off for the same offence occurred only 1 month after the end of the first suspension.

Mitigating Factors

Having also considered Regulation 8.2.8, the Panel concludes that there are no or insufficient mitigation factors present to justify any reduction in the period of suspension. The Player has admitted guilt but only partially in that he disputes certain aspects of the referee's written report.

Sanction

The Player is, therefore, suspended for a total period of 6 weeks, running from 3rd December 2009 (ie the starting date of a 4 week suspension imposed by PGH) to 14th January 2010. He is free to play again on 15th January 2010.

Costs

The Panel makes an award of costs against the Player/Club in the sum of £75.

Right of Appeal

The Player's right of appeal is set out in Regulation 11 of the DR.

Clif Barker.....
Chairman

Date: 1st February 2010