

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, West Yorkshire

On: Monday, 12th October 2009

Judgment

Player: DOMINIC MOON **Club:** Preston Grasshoppers

Match : Preston Grasshoppers v Harrogate

Venue: Lightfoot Green, Preston

Date of Match: 3rd October 2009

Panel: Antony Davies (Chairman), David MacInnes and Peter Rhodes
("the Panel")

Secretary: Liam McTiernan (RFU Disciplinary Department)

In attendance: Dominic Moon ("the Player")
Gareth Dyer (Assistant Director of Rugby, Preston Grasshoppers)

**Attending as
Observer:** Tony Simpson (RFU Communications Manager, North)

Decision

1. The Panel found the Player guilty of the offence of striking an opponent and determined that the Player should be suspended for a period of three weeks from 3rd October 2009 to 24th 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 a charge alleging that the Player had been guilty of striking an opponent with his fist during the 23rd minute of the second half of the

match Preston Grasshoppers v Harrogate on 3rd October 2009, contrary to Law 10(4)(a). He had been dismissed from the field of play (red card) by the Match Referee, Dave Edmunds.

4. The Player pleaded guilty to the charge.
5. The Panel considered :
 - (a) The sending off report of the Match Referee, Dave Edmunds.
 - (b) Oral evidence from the Player.
 - (c) Submissions from Mr. Dyer on the Player's behalf.

The Facts

6. The sending off report recorded as follows :

“Mr. Dalby, the Assistant Referee, drew my attention to foul play. I stopped the game and came over to find a Harrogate player with blood across his face being attended to by the Physio. I asked Mr. Dalby to describe what he had seen and recommend appropriate action. Mr. Dalby told me the scrum had ended, Preston had won the ball. Harrogate 8 was on his own, having attempted to tackle Preston 8 (the Player). As he got up from the floor, Preston 8 struck his opposite number with his fist in his face. This was a deliberate, unnecessary and unprovoked strike. I could see the result of this punch myself with the Harrogate player's blood covered face. Mr. Dalby recommended a red card. I had no hesitation in accepting the recommendation and sent Mr. Moon from the field of play. The Harrogate player was cleaned up and continued to play in the game.

Mr. Dalby's view was unobstructed and from 5 metres away.”

The Player's Case

7. The Player accepted the written report of the Match Officials, but stated that it did not give the entire picture. He is an experienced player, who has played at levels up

to Level 2. He has never been sent off before. From the outset of the game, it was clear he was being targeted by his opposite number – a challenge that he welcomed initially. He had played against this individual without incident before, but on this occasion became surprised at the extent of the baiting and name calling.

8. The Player stated that in the first half he had been struck late, taken out off the ball and punched in the groin area. At the end of the first half, he was the victim of racial abuse by a Harrogate player. This made him extremely angry and upset, but over half time he regained his composure.

9. In the second half, the opponent moved from number 8 to take up the scrum half position. The Player felt this was to increase the physicality of the challenge to him at the base of the scrum. His team won the ball. He picked up at the base of the scrum and offloaded. He was then caught late across the head by his opponent, who he alleged called him a “black b*****d”. He retaliated with a single punch which caught the opponent on the side of the face around the cheek and nose area.

10. The Player stated that he regretted his actions immediately and was cross that he had allowed himself to have been wound up. He had endured racist taunting at school and in much lower levels of the game, but he had not expected it at this level. He has no difficulty with the physical targeting, but was extremely upset by the nature of the racist remarks.

11. The opponent suffered a nosebleed. He was treated on the pitch. The blood stopped almost immediately and he continued to play the rest of the game without leaving the field for any form of treatment. He had spoken with the opponent in the tunnel after the game and apologised. His opponent had apologised to him for baiting him, but not for the racist comment.

12. The Player has been playing rugby league and rugby union for some ten years. He is a County player and has represented the North of England. He has never been previously sent off.

13. Mr. Dyer confirmed that the Player had joined Preston in the summer. He had

been on extremely good form, scoring many tries in the previous games. He was the pack leader and a good influence in the dressing room and on the field. He was a key member of a youthful side. In accordance with the Club's normal disciplinary procedure following a sending off, he had been suspended on 3rd October 2009 for a period of eight days. He had already missed one game. The Internal Disciplinary Panel had found the offence at the lower end. He had therefore served his suspension of one week.

14. The Club had considered bringing a citing against the Harrogate Club on account of the comments of a racial nature. It had erroneously believed the citing procedure timeframe had elapsed. Upon being informed that this was not the case, he confirmed that the Club would reconsider taking such action.

Entry Point

15. Whilst the Panel had sympathy for a player who reacted to clear and real provocation, it noted nonetheless that there was a strike with a clenched fist to the head. It was intentional and completed and caused a bleeding injury. It could not therefore be properly characterised as lower end.

16. The Panel characterised the offending as in the mid range, giving an entry point of five weeks. There were no aggravating features.

17. Credit was to be given to the Player for his plea, his exemplary discipline record and good character, his conduct prior to and at the hearing and his contrition. Accordingly, the five week suspension would be reduced by two weeks.

Sanction

18. The Player was accordingly suspended for a period of three weeks from 3rd October 2009 to 24th October 2009 inclusive. He may play again on 25th October 2009.

Costs

19. Costs assessed at £150.00 are ordered to be paid by the Player/his Club.

Right of Appeal

20. The Player was advised of his right of appeal as set out in Disciplinary Regulation 11.

Antony Davies

Antony Davies,

Chairman

15th October 2009