RUGBY FOOTBALL UNION DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, West Yorkshire

On: Monday, 28th September 2009

Judgment

Player: LUKE ABRAHAM Club: Sale Sharks

Match: Sale v Bath

Venue: Edgeley Park, Stockport

Date of Match: 18th September 2009

Panel: Antony Davies (Chairman), Mike Hamlin and Barrie O'Driscoll

("the Panel")

Secretariat: Bruce Reece-Russel (RFU Disciplinary Department)

In attendance: Luke Abraham ("the Player")

Kingsley Jones (Sale Sharks Coach)

Decision

1. The Panel found the Player guilty on his own admission of the offence of stamping. For the reasons set out below the Panel determined that the Player should be suspended for a period of three weeks from 24th September 2009 to 14th October 2009, inclusive.

Preliminaries

- 2. The Panel convened to consider the citing of the Player by Rob Hardwick, the nominated Citing Officer for the match Sale v Bath, for an offence of stamping, contrary to Law 10(4)(b).
- 3. The offence was admitted.
- 4. The Panel considered the following:

- (i) The written citing report of Rob Hardwick.
- (ii) A DVD of the incident.
- (iii) A letter from Mr. Guyan, Team Manager, Bath.
- (iv) Oral evidence from the Player.
- (v) Submissions from Kingsley Jones.

The Facts

5. The Citing Officer's report recorded as follows:

"As a ruck forms on the Sale 22 with Bath in possession, Bath 9 (Claassens) moves forward to pick the ball up to pass. As he is in this motion, Sale 6 (Abraham) tries to step over the ruck and in this motion of moving forward he makes contact with the studded part of his boot to the brow and face area of Claassens. After Claassens has moved away holding his face, Abraham moves forward again but is cleared out by Bath players. On speaking to the Match Referee Pearson he said he had a good view of the incident and said he thought it reckless rather than wilful and awarded a penalty."

- 6. The Panel viewed the DVD of the incident which was consistent with the Citing Officer's description. The Panel noted two matters; as the Player steps over the ruck and moves his foot downwards, he is looking at the ball and not at Mr Claassens. Immediately contact is made with MrClaassens, he puts his right hand in the air and looks at the Referee.
- 7. The letter from Dave Guyan, Team Manager, Bath, confirmed that Mr Claassens received an injury to the right side of his head above the cheekbone, 2 cm. from the eye, which required a stitch. It also confirmed that the Player apologised to Mr Claassens as they left the field at half time. Mr Claassens played the rest of the game.

The Player's Case

8. The Player gave evidence on his own behalf. He took no issue with the facts described above. He explained that his actions had a specific rugby purpose to them. The ball was held at the back of the ruck by Bath. His team's defenders had to remain

behind the offside line, i.e. the back foot of his side of the ruck, which would give Bath 9 time to play the ball. He intended to step over the ruck and stamp on the ball to disturb it and, he explained, get it out of the ruck so his defenders could go beyond the offside line where they were currently held. He explained that he was looking only at the ball and his only intention was to try to disrupt it. He did not see Mr Claassens at all. Immediately he realised that he had made contact, he was devastated. He signalled to the Referee by raising his right hand and looking at the Referee to make it clear that contact with Mr Claassens had been accidental. There was no malice in his action but he did accept he had not perceived any risk of injury to Mr Claassens, or indeed any other player.

- 9. The Player drew the Panel's attention to the position of his head and his line of sight depicted in the DVD, which supported his contention that he was looking only at the ball and not intending to make any contact with Mr Claassens. He had apologised to Mr Claassens as the teams went off at half time and that apology had been accepted. Mr Claassens had played the rest of the game.
- 10. The Player is 26 and acknowledged openly and frankly that he does not have a good disciplinary record of late. He had hoped that he was showing a greater maturity in his play (as was confirmed by Mr. Jones) and had worked extremely hard with his Club on his temperament and technique. Following his suspension at the end of last season, he had lost touch with the first team squad and had had to work extremely hard to break back into it. He was aware that his Club had signed another player in his position. This season he had been playing in the second team and had struggled to break back into first team rugby. Following a good game as substitute against Leicester, he had been rewarded with a start in the game against Bath. He realised that through his recklessness on this occasion he had let a lot of people down who had put faith in him and he now needed to earn their respect again and start the extremely difficult task of getting his position back.
- 11. On the Player's behalf, Mr. Jones apologised that was having to accompany his player once again, but did confirm that the Player was striving to improve his temperament and technique and he hoped that this was an isolated aberration along the way which would not reoccur. His contract was shortly for renewal and any further

transgression would have a deleterious effect upon that renewal and his employment by any other Club. The Player had been suspended by Sale Sharks on 24th September 2009 immediately he, as Coach, became aware of the citing.

Entry Point

- 12. The Panel considered the criteria set out in DR 8.2.5 and found the following matters of relevance :
- (a) The foul play was not committed intentionally. The Player was looking at the ball throughout the incident and immediately contact was made his body language was consistent with absence of intent or malice.
- (b) The Player's actions were certainly reckless. In the Panel's view he should have perceived a clear risk of making contact other than with the ball. He failed in his obligation to ensure unnecessary injury was not caused to an opponent.
- (c) There was an injury requiring one stitch, though Mr Claassens had played the entirety of the game.
- (d) There was no premeditation and no effect of the Player's actions on the game.

 Mr Claassens was vulnerable to the extent that he would not have been expecting contact in the manner which occurred.
- 13. Having considered and balanced the above, the Panel finds unanimously that the offending should be categorised as being at the LOWER END of the scale of seriousness. Appendix 2 to the Disciplinary Regulations gives a recommended sanction for a low end offence of stamping of two weeks.
- 14. The Panel then considered whether there were any aggravating features present. The Panel had regard to the Player's disciplinary record pursuant to DR 8.2.7(b). This revealed as follows:
- (i) On 5th January 2009, the Player received a suspension of two weeks from 24th December 2008 to 7th January 2009, for an offence of striking an opponent with the

head. The Panel considered the written judgment in that matter and noted that the Player had not initially reacted to having his hair pulled vigorously by Bath number 10, and was attempting to extricate himself from contact with Bath 13 by pushing him away. Bath 13 then drove the Player's fingers backwards and upwards and he reacted to this by striking once with the head. There was no injury. There was clear provocation.

- On 9th March 2009, the Player received a suspension from 4th March 2009 to 28th (ii) April 2009 inclusive, for two offences of striking an opponent with the head in a game with Saracens. The Panel again had the opportunity of reading the written judgment. All three disciplinary Panels concerned with the Player's offending have had the same Chairman. The first strike was categorised as being in the mid range with a starting point of eight weeks. The Player had been on the ground following a tackle with Saracens 5 who had impeded him and prevented him getting back to this feet. He had struck him once with his head. There was no injury. The second incident in the same game occurred when the Player drove over the top of a ruck and came into contact (head to head) with Saracens 9, who was standing over the ball on the other side. The Player had maintained he was counter-rucking but, because of poor technique, had made contact as a result of a clumsy and reckless challenge, but with no intention of causing injury, and no malice. There was no injury. The Panel had added four weeks to the suspension on account of this incident. The Panel then found mitigation warranting a reduction of four weeks, resulting in the eight week suspension.
- 15. The Panel notes that this is the Player's third appearance (fourth offence) in nine months. Although we have characterised this offending as reckless and at the low end, it has striking similarities to the reckless challenge at the ruck, being the second incident in the game v Saracens. Although none of the four offences are themselves at the top end of seriousness, the Panel is concerned that a pattern has started to appear. The Panel is assured that the Player and Club are working in earnest to address the issues of the Player's temperament and technique. This Panel feels that those efforts must be underpinned by an acknowledgment from the Player that further offending of any nature capable of being characterised as a pattern will result in increased periods of suspension.
- 16. The Panel therefore increases the period of suspension on account of this aggravating factor by two weeks, giving a total of four weeks. There are some

mitigating features. The Player is clearly remorseful and apologetic for the injury caused. He apologised to his opponent. That apology was accepted. The Player has acknowledged his guilt at the first opportunity. He accepts he has issues which need to be addressed. He has not sought to trivialise his offending, nor to argue that contact was accidental. Accordingly, on account of these mitigating features the Panel reduces the suspension by one week.

Sanction

17. The Player is therefore suspended for a period of three weeks from 24th September 2009 to 14th October 2009. He may play again on 15th October 2009.

Costs

18. Costs of £250.00 were ordered against 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

30th September 2009