RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Brighouse Holiday Inn, Leeds.

On: Tuesday 29th March 2011.

<u>JUDGMENT</u>

Player: Sean Cosgrove

Club: Loughborough Students

Match: Rugby Lions v Loughborough Students

Venue: Rugby

Match Date: 19th March 2011

Panel: Clif Barker (Chairman), Mike Hamlin and David MacInnes

Secretary: Liam McTiernan (RFU)

Regarding: The Panel had been convened to consider the sending off of

Sean Cosgrove of Loughborough Students (LS) for an act of foul play, namely striking an opponent with the fist, during the match (30th minute of the second half) between Rugby Lions (RL) and

LS on 19th March 2011, contrary to Law 10(4)(a).

Charge and Plea

The Player had pleaded guilty and had asked that the case be dealt with in his absence as a "papers only" hearing.

Evidence as to Fact

The Panel considered:

1. The Sending Off Report of the referee, Dave Edmunds, and the assistant referee, Steve Bradford. In this Report, the referee stated as follows: "The following details were reported to me by Mr S Bradford, the Assistant Referee, on a "Foul Play" Flag and Report. 4 players (3 x RL, 1 x LS) were rolling around on the ground after a post maul/ruck/tackle. It was not really a major incident. The Assistant Referee was moving in to separate them and was about 10m from the breakdown while I was moving away with play still going on. This incident was not a major incident and would probably have broken up on the intervention of the Assistant Referee and not needed a foul play

report to me. As he was approaching the break down he then had a clear view as Mr Cosgrove ran some 20m and twice punched one of the RL players in the back. He reported that he shouted at the No 2 as he ran in, with words to the effect of "Red 2 don't do it" – but this verbal instruction went unheeded. No apparent injuries were sustained by the RL player. Following a detailed description of the incident that I had not seen I asked Mr Bradford for his recommendation. He reconfirmed the events, confirmed it was the right player and in the presence of his Captain, I sent Mr Cosgrove from the field of play for foul play. Post match, Mr Cosgrove was most contrite, apologising to the Match Officials and to the RL players. This was an isolated incident in a good game with no fractious play or indeed ill discipline".

2. The details of an internal Disciplinary Hearing for the Player held by LSRFC on 22nd March 2011, recording that the Player pleaded guilty to the offence of striking an opponent, had an excellent previous disciplinary record and confirming that the Player apologised to his opponent and to the Match Officials immediately after the game. At this Hearing, the Player was suspended for a period of two weeks, starting on 22nd March 2011.

Decision

The Player had confirmed in writing that he pleaded guilty to the allegation of striking and that he was content to have the matter dealt with as a "papers only" hearing in his absence. The Panel found the player guilty.

Entry Point

The Panel undertook an assessment of the seriousness of the Player's conduct pursuant to RFU Regulation 19.8.2.4 and concluded that the appropriate Entry Point was at the Mid Range, i.e. a suspension of 5 weeks. In that respect, the Panel took into consideration that the offending was intentional, the Player ran some 20 metres to become involved in a minor incident, which had nothing to do with him, struck two blows to an opponent's back and failed to heed the assistant referee's warning not to become involved. No injury was caused but his opponent appeared from the Report to be on the ground and was, therefore, in a vulnerable position and unable to defend himself.

Aggravating Factors

Having considered RFU Regulation 19.8.2.7, the Panel concluded that there were none.

Mitigating Factors

Having considered RFU Regulation 19.8.2.8, the Panel concluded that there were a number of mitigating factors, which amounted to grounds for reducing the period of suspension. In particular, the Player's immediate acknowledgement of guilt, his immediate apology, his remorse and his good record hitherto. In these circumstances, the Panel reduced the period of suspension by 2 weeks.

Sanction

The Player is, therefore, suspended for 3 weeks, running from 22nd March 2011 to 12th April 2011. He is free to play again on 13th April 2011.

Costs

The Panel made an award of costs against the Player/Club in the sum of £80.

Right of Appeal

The right of, and procedure on, appeal is set out in RFU Regulation 19.10.

Signed: Clif Barker, Chairman

Date: 2nd April 2011