

**IRISH FOOTBALL ASSOCIATION  
APPEALS COMMITTEE**

***In the matter of an appeal by X (the Appellant) against a decision taken by NIBFA/NIFYA***  
**APPEAL PANEL**

**Appeals Committee:**

Emma McIlveen BL

Barry Finnegan

Carla Dallas

**THE APPELLANT** was represented by Carley Shields, solicitor, and was in attendance himself.

**NIBFA/NIFYA APPEAL PANEL** was represented by Neil McKee and Michael O’Kane.

**DECISION**

This is a decision of the IFA Appeals Committee which was reached following a hearing which took place on 12<sup>th</sup> June 2024.

Having regard to the reasons set out below, the unanimous decision of the Committee is that:

The appeal shall be upheld for the reasons outlined below

**Background**

1. This is an appeal brought by X (*the Appellant*) against a decision made by the NIFYA Disciplinary Panel (*the Respondent*) that he had breached the Disciplinary Code and accordingly imposed upon him a £50 fine and a 11-match suspension.
2. The case involved very serious allegations that the Appellant had pushed a child on the field of play.
3. As a result of the serious allegation involving a child, the Appeals Panel have anonymised the decision in order to protect the identity of the Appellant.

**Points of Appeal**

4. The key points of appeal were as follows:
  - a. NIFYA quoted the wrong rule in their decision.
  - b. The Appellant did not have the right to be heard.
  - c. Important evidence was not considered.
  - d. The decision was ultimately flawed
5. The following submissions were made on behalf of the Appellant:
  - a. The evidence submitted on behalf of the Appellant should have been considered.
  - b. The statement by the parent and Ballymena coach was supportive of the Appellant. It was detrimental to exclude it.
  - c. If matter was referred back, they would have no confidence that correct decision would be taken.
  - d. Referees are not infallible, and it is wrong to rely upon the referee’s report alone.
  - e. Appellant has had no chance to tell story/counter allegations
  - f. The impact which situation had upon him in wider community

- g. The fact he had already served 5 of the 11 match ban
6. The following submissions were made on behalf of the Respondent:
- a. £50 has already been paid.
  - b. They accepted reliance on Rule 14(6)(e) appeared to be incorrect and they could not identify where this was from
  - c. They were looking for new evidence to overturn and they deemed the additional evidence not independent.
  - d. Evidence submitted was contradictory.
  - e. They dealt with process on papers.
  - f. The referee's report triumphed everything. It was difficult to consider all independent witnesses and therefore the referee's report was the only one that was relevant.
  - g. The Ballymena Coach was aligned to Ballymena, and he therefore lacked independence.

## Findings

- 7. The Appeals Panel carefully considered all information and submissions before it and made the following findings.
- 8. The Appeals Panel wishes to express its profound sympathy for the situation of the Appellant. We recognise the gravity of the allegations brought against the Appellant, which are of a very serious nature.
- 9. It is evident that no proper investigation was conducted into these charges. Due process was not followed, and the Appellant was not given a fair opportunity to be heard. This is a fundamental breach of procedural fairness that cannot be overlooked.
- 10. We appreciate that the Respondent is operated by volunteers who are dedicated to its mission. Nonetheless, this dedication does not absolve the need for robust governance structures, especially when dealing with matters of such significance. Proper procedures and fair treatment are essential to maintaining the integrity and trustworthiness of the Respondent's operations.
- 11. The Appeals Panel noted with concern the Respondent's use of legal terminology, specifically terms such as "without prejudice" and "inadmissible". It was apparent that these terms were not fully understood by those using them, and they were applied out of context. Using such terminology incorrectly can lead to significant misunderstandings and misapplications of procedural rules.
- 12. The Appeals Panel further notes that the statement from the representative from the Ballymena team was not properly read and considered by the Respondent. Contrary to claims of inadmissibility and lack of impartiality, the statement provided valuable evidence that supported the Appellant's case. The proper consideration of this statement should have significantly influenced the outcome of the Panel.
- 13. The Appeals Panel is further concerned about the Respondent's reliance on the referee's report as the sole basis for their findings. While the referee's perspective is valuable, it is imperative to consider all available evidence in its entirety to ensure a fair and comprehensive assessment.

14. A decision of this magnitude requires a holistic approach to evidence evaluation. Solely relying on one source, such as the referee's report, without adequately considering other relevant testimonies and documents, compromises the integrity of the process and the fairness afforded to the Appellant.
15. The Appeals Panel acknowledges that it is generally not the role of the Appeals Committee to conduct investigations or hear evidence directly. During our deliberations, we therefore considered whether it would be appropriate to refer the matter back to the Respondent for further consideration. This point was discussed at length.
16. However, given the evidence presented to us, the way in which the investigation was conducted, and the significant impact on the Appellant, the Appeals Panel concluded that in this exceptional case, it was appropriate for the Appeals Panel to intervene. The Appeals Panel did so using their inherent jurisdiction under Art 14 (6):

“to take any step which, in the exercise of its discretion, the appeal Board considers appropriate in order to deal justly with the case in question, but only within the parameters laid down by the FIFA and IFA Disciplinary Codes and these Articles of Association.”

17. The evidence and circumstances made it clear that the Appellant was not guilty of the charge and should not have been found to have breached the Code. The penalty should therefore not have been imposed upon him.
18. The Appellant presented himself as a credible and dedicated coach, and the Appeals Panel ultimately found that the charges against him should be quashed.
19. We hope that this experience does not deter the Appellant from continuing to contribute to football. We also trust that the Respondent will learn valuable lessons from this case and make necessary improvements to their governance and procedural frameworks to prevent similar issues in the future.

## **Recommendations**

20. The Appeals Panel makes the following recommendations:
  - a. Thorough review and reform of the Respondent's governance policies to ensure that all future matters are handled with the appropriate level of care and diligence.
  - b. Consideration of independent input to deal with disciplinary matters to enhance credibility and integrity of disciplinary proceedings.
  - c. Consideration should be given to issuing an apology to the Appellant

## **Conclusion**

21. For the reasons stated herein, this appeal is upheld.
22. For clarity on the consequences of our decision, the Appeals Panel is of the view that the Appellant's name is cleared. He should also be refunded the £50 fine which he had already paid.

**Dated: 13<sup>th</sup> June 2024**



**Emma McIlveen BL**  
**Chair of the Appeals Committee**