

SYNOPSIS OF 2008 APPEALS COMMITTEE DECISIONS

The following are brief synopses of appeals cases considered by the Appeals Committee during 2008. These are not complete summaries of each decision – rather, each synopsis provides an overview of those facts and findings by the appeals panels that are considered most relevant and/or noteworthy.

[Note: Some appeals cases were assigned numbers and then dismissed or withdrawn before the Appeals Committee considered them – thus some appeals numbers are skipped below.]

USSF Appeal No. 2008-1:

Facts: An Organization Member suspended a player for referee assault for allegedly grabbing the shirt sleeve of the referee and threatening him. The player was suspended for six months.

Decision: The appellant's appeal was DENIED and the Organization Member's decision was UPHeld because the appellant received due process and the referee's testimony by phone was sufficient.

USSF Appeal Nos. 2008-2, 3 &4:

Facts: The appellants were players that were placed in bad standing by an Organization Member for leaving a club without paying a fee. The players were suspended until payment was made to club that the players left.

Decision: The appeals were GRANTED and the Organization Member's decision REVERSED. The appeals panel found that the Organization Member failed to give the players due process prior to placing them in bad standing.

USSF Appeal No. 2008-5:

Facts: The appellant, a coach for a U-16 boys' soccer team, was suspended for one year for violating the Organization Member's recruiting and team formation rules. He sent an email to all players on a JV high school team he coaches regarding formation of a new club team. Information about a tryout for that team was included in the local paper as well.

Decision: The appeal was GRANTED and the Organization Member's decision REVERSED. Specifically, the appeals panel found that:

- 1) The email clearly excluded any players that were already registered with the Organization Member;
- 2) There was insufficient evidence that the appellant placed the information concerning the tryout in the local newspaper;
- 3) The tryout policy that the appellant allegedly violated only provides for punishment of a club not an individual coach; and

- 4) There was insufficient evidence to support a finding that the appellant committed misconduct.

The appeals panel also noted that the decision had no bearing on whether the team that was formed was eligible to participate with the Organization Member.

USSF Appeal No. 2008-6:

Facts: The appellant was a coach for U-9 girls' team. After the game in which he had been ejected, the appellant threw a bottle of water at the referee and made threatening remarks to the referee. He was suspended for referee abuse for four months.

Decision: The appeal was GRANTED and the Organization Member's decision REVERSED. The appeals panel found that the notice letter was deficient because it only included the charge of referee assault not abuse. In addition, the panel believed that a delay of 150 days between the hearing and the incident was prejudicial.

USSF Appeal No. 2008-7:

Facts: The appellant, the president of a local soccer association, was accused of violating an Organization Member's calendar and tryout policy. Prior to the hearing, the Organization Member placed the appellant on indefinite suspension. After a hearing, the Organization Member suspended the appellant from his administrative duties for two years.

Decision: The appeal was GRANTED and the Organization Member's decision REVERSED. The appeals panel held that the Organization Member could not suspend the appellant prior to a hearing.

USSF Appeal No. 2008-9:

Facts: The appellant was a player on a U-13 boys' team. During a match, he became upset with a referee and spit on him. He was found guilty of referee abuse and suspended for seven months.

Decision: The appeal was GRANTED and the Organization Member's decision REVERSED. The appeals panel found that the notice letter was deficient because it did not outline the possible consequences if the charges were found to be true. In addition, the failure to have the referee testify by phone was a violation of due process. Lastly, while the Organization Member could prevent a court reporter from recording the hearing, it was obligated to record the hearing if it denied the court reporter the opportunity to do so.

USSF Appeal No. 2008-10:

Facts: The appellant was an assistant coach for a U-12 soccer team. After a game, the coach said that the referee “ought to be killed.” The appellant was found guilty of referee abuse and suspended for six months.

Decision: The appeal was DENIED and the Organization Member’s decision was UPHELD. The panel found that there was sufficient evidence to support the decision and the punishment was appropriate.

USSF Appeal No. 2008-11:

Facts: The appellant, a referee assignor, was disciplined for assigning unregistered or under qualified referees to over one hundred games over a two year period. The Organization Member suspended the appellant for two years and fined her \$400.

Decision: The appeal was DENIED and the Organization Member’s decision was UPHELD. The panel found that there was sufficient evidence to support the decision and the punishment was appropriate.

USSF Appeal No. 2008-12:

Facts: The appellant was a registered referee. The appellant son was allegedly injured in the match after being kicked in the back of the knee. A foul was awarded but no caution was given. After the game, there was confrontation between the appellant and the referee where the appellant openly criticized the referee. After a hearing, he was found guilty of referee misconduct and suspended for one year.

Decision: The appeal was GRANTED and the case was REMANDED to the Organization Member for a new hearing. The appeals panel found that the notice letter was deficient because it failed to identify the potential punishments. In addition, the hearing panel relied on the appellant’s past history in deciding the punishment. However, there was no information in the record about the appellant’s past history.

USSF Appeal No. 2008-13:

Facts: The appellant was a registered referee and assignor. He was accused of committing referee misconduct in his assessment of a fellow referee and calling an assignment group a “cartel” on a referee blog. The Organization Member found him guilty of the charges and suspended him from being a referee for two years and an assignor for five years.

Decision: The appeal was DENIED and the Organization Member’s decision was UPHELD. The appeals panel did not believe there was any evidence that the Organization Member failed to provide due process. Although the panel did note that if

the appellant's allegations had been raised in an ethics complaint against the assigning group, this may not have qualified as referee misconduct.

USSF Appeal No. 2008-14:

Facts: The appellant was the coach of a boys' soccer team. An Organization Member found the appellant guilty of violating team formation rules because he dropped a player from the roster mid-season. The appellant was suspended for five months.

Decision: The appeal was DENIED and the Organization Member's decision was UPHeld. A majority of the appeals panel did not believe there was any evidence that the Organization Member failed to provide due process.

USSF Appeal No. 2008-15:

Facts: The appellant, a player/manager on adult soccer team, was suspended by an Organization Member for referee assault after placing the referee in headlock.

Decision: The appeal was GRANTED and the case was REMANDED to the Organization Member for a new hearing. The appeals panel found that the failure to have the referee testify by telephone at the hearing was a violation of due process.

USSF Appeal No. 2008-16:

Facts: The appellant was the head coach for a U-16 boys' team. He was suspended for six months after threatening to "kill" the referee.

Decision: The appeal was GRANTED and the Organization Member's decision REVERSED. The appeals panel found that the failure to have any witnesses including the referee testify at the hearing was a violation of due process.

USSF Appeal No. 2008-17:

Facts: The appellant was a player on a boys' U-16 team. He was suspended for two years for referee assault after kicking a referee.

Decision: The appeal was GRANTED and the case was REMANDED to the Organization Member for a new hearing. The notice letter failed to provide notice of the charges and the possible consequences if found guilty. In addition, the two year seemed harsh when another player involved in a similar incident received a six month suspension.

USSF Appeal No. 2008-18:

Facts: The appellant was an assistant coach for a U-16 boys' team. He was suspended for 3 games and until he completed a specific anger management course.

Decision: The appeal was GRANTED and the Organization Member's decision REVERSED. The appeals panel that the failure to have any witnesses including the referee testify at the hearing was a violation of due process.

USSF Appeal No. 2008-20:

Facts: The appellant was the head coach U-13 boys' team. He was suspended from all activities until he served a ten match suspension for touchline misconduct under the Organization Member's rules. The appellant repeatedly dissented and swore at the referees during a match.

Decision: The appeal was DENIED and the Organization Member's decision was UPHELD. The appeals panel found that there was sufficient evidence to support the decision.

USSF Appeal No. 2008-21:

Facts: The appellant, a coach for a U-12 girls' team, was accused of shoving a referee from behind. After an appropriate hearing, she was suspended for referee assault for three years because the referee was a minor. The Organization Member decision indicated that she was found guilty of a minor or slight touching under USSF Policy 531-9.

Decision: The appeal was GRANTED and the case was REMANDED to the Organization Member for a new hearing. The appeals panel found that three months and not three years was the minimum punishment under USSF Policy 531-9 if it was a minor or slight touching.

USSF Appeal No. 2008-22:

Facts: The appellant was a USSF registered referee. He was found guilty of referee misconduct for altering the email of a fellow referee.

Decision: The appeal was DENIED and the decision of the Organization Member was UPHELD. The appeals panel found that there was sufficient evidence to support the decision.