

US SOCCER NATIONAL APPEALS COMMITTEE

APPELLATE REVIEW STANDARDS

I. Some Credible Evidence

- A) Don't re-try the case or re-weigh the evidence
- B) Not relevant how the appeals committee would have voted on the evidence;
- C) Review must show “some credible evidence” which if accepted despite contrary evidence could lead a reasonable person to the same conclusion;
- D) Evidence must be part of the record

II. Rules and Procedures

- A) Must follow all applicable rules and procedures of State, and USSF;
- B) Should follow customary disciplinary or appeals procedures (but procedures can be changed);
- C) Adjust to special situations, give the defendant every reasonable procedural break.

III. Fair (Due) Process Follows USSF Bylaw 701.

In all hearings conducted under these bylaws, the parties shall be accorded:

- Notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true;
- Reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
- The right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;

- (4) A hearing before a disinterested and impartial body of fact-finders;
- (5) The right to be assisted in the presentation of one's case at the hearing.
- (6) The right to call witnesses, and present oral and written evidence and argument
- (7) The right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing.
- (8) The right to have record made of the hearing if desired;
- (9) A written decision, with reasons for the decision based solely on the evidence of record, issued in a timely fashion;

(10) Notice of any substantive and material action of the hearing panel in the course of the proceedings;

(11) Equality concerning communications, and no ex parte communication is permitted between a party and any person involved in making its decision or procedural determination except to provide explanations involving procedures to be followed.

IV. Not Arbitrary or Capricious

- Decision compared to record;
- Punishment compared to violations;
- Punishment compared to other punishments for similar violations

V. Not Contradicted By Higher Authority

- Amateur Sports Act
- USSF rules and procedures
- USYSA rules and procedures
- USASA rules and procedures
- Tournament rules and procedures