SYNOPSES OF 2007 APPEALS COMMITTEE DECISIONS

The following are brief synopses of appeals cases considered by the Appeals Committee during 2007. 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[Note: Some appeals cases were assigned numbers and then dismissed or withdrawn before the Appeals Committee considered them – thus some appeals numbers are skipped below.]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. 2007-1:

Facts: An Organization Member suspended a Boys' U-15 player for referee assault for chasing but not catching a referee during a soccer game.

Decision: The appellant's appeal was GRANTED and the Organization Member's decision was REVERSED because the Organization Member failed to provide a hearing and the evidence included in the record was not sufficient to support the finding of referee assault.

USSF Appeal No. 2007-2:

Facts: The appellant was vice president of his soccer club. He was suspended for two years from any soccer activities. During the pendency of his appeal within the Organization Member, he filed for a temporary restraining order in court. His original suspension was later overturned but the Organization Member then held a hearing and suspended the appellant for one year because he improperly invoked the aid of the courts.

Decision: The appeal was DENIED and the Organization Member's decision was UPHELD. The appeals panel found sufficient evidence in the record to support the decision and found that the Organization Member followed proper procedures.

USSF Appeal No. 2007-3:

Facts: The appellant, a coach for a U-14 boys' soccer team, was disciplined after he committed coaching misconduct at a tournament.

Decision: The appeal was GRANTED and the case was REMANDED for further proceedings. Specifically, the appeals panel found that the mention of criminal battery during the hearing and in the decision prejudiced the panel against the appellant.

USSF Appeal No. 2007-4:

Facts: The appellant was the parent of two sons who were residents of Missouri. The Organization Member found the appellant guilty of improperly registering his sons for

ODP and falsifying the registration forms to claim that his sons resided in another state. The appellant was suspended for two years.

Decision: The appeal was DENIED and the Organization Member's decision was UPHELD. The appeals panel found sufficient evidence in the record to support the decision and found that the Organization Member followed proper procedures.

USSF Appeal No. 2007-5:

Facts: The appellant, a USSF registered referee, was accused of misconduct at a match when he left the match to pursue a parent that swore at him. The appellant was suspended for two years.

Decision: The appeal was DENIED and the Organization Member decision was UPHELD. The appeals panel found sufficient evidence in the record to support the decision. In addition, the panel found appellant could not justify his actions of leaving the field on the basis of alleged abuse or assault by the parent.

USSF Appeal No. 2007-6:

Facts: The appellant was a commissioner for an Organization Member. He was found guilty of wrongfully converting assets, wrongfully using confidential information, making false statements, and taking actions adverse to the best interests of soccer. The appellant was suspended from all Organization Member activities for three years.

Decision: The appeal was GRANTED and the case was REMANDED for further proceedings. Specifically, the appeals panel found that the Organization Member failed to give the appellant sufficient notice of the possible consequences if he was found guilty of the charges. The panel also recommended that the Organization Member include specific factual findings in its decision.

USSF Appeal No. 2007-7:

Facts: The appellant was a coach for a girl's soccer club. The Organization Member held a hearing and suspended the appellant for one year for violating the Organization Member's rules on improper recruiting. The original decision of the Organization Member stated that the appellant was allowed to coach in programs other than with the Organization Member. The decision was later modified by the Organization Member to prevent the appellant from coaching any teams that were dual registered with the Organization Member and another program.

Decision: The appeal was GRANTED in part and DENIED in part. The appeals panel found that the modification of the punishment by the Organization Member was a violation of the appellant's due process because the punishment was increased. Therefore, the additional punishment only was reversed.

USSF Appeal No. 2007-8:

Facts: The appellant, a coach for a U-14 boys' soccer team, was disciplined after he committed coaching misconduct at a tournament.

Decision: The appeal was DENIED and the Organization Member decision was UPHELD. The appeals panel found that the appellant received appropriate due process.

USSF Appeal No. 2007-9:

Facts: The appellant was a coach for a U-13 boys' team. After a game, the appellant approached one of the assistant referees and kneed him in the groin. The appellant argued that the assistant referee had grabbed him. The appellant was suspended for two years for assaulting the assistant referee.

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

USSF Appeal No. 2007-10:

Facts: The appellant was a registered referee with USSF. He was found guilty of referee misconduct because of his treatment of another referee including changing the referee's assignment without permission. He was suspended for five years.

Decision: The appeal was DENIED and the Organization Member decision was UPHELD. The appeals panel held that the appellant received the appropriate due process.

<u>USSF Appeal Nos. 2007-11, 12, 13 & 16:</u>

Facts: The appellants were: 1) a coach for a U-14 boys' team; 2) a team manager for a U-14 boys' team; and 3) two coaches for a U-16 boys' team. The appellants were accused of improperly releasing players from their teams. There was an email sent by an official of the Organization Member to a member of the hearing panel that stated among other things that the hearing panel needed "to take them on and set some examples" and bring them before the panel "to hear their miserable excuses and reasonings [sic]."

Decision: The appeal was GRANTED for the three coaches and the Organization Member's decisions REVERSED. In the case of the coaches, the appeals panels found that there was no evidence that the coaches released the players. In addition, the panels found that the email was highly prejudicial. The appeal of the team manager was DENIED and the Organization Member's decision was UPHELD. In the case of the team manager, the appeals panel found that there was sufficient evidence to find that the team manager had intended to release the player by refunding money and returning the player pass.

USSF Appeal No. 2007-14:

Facts: The appellant was a commissioner for an Organization Member. He was found guilty of wrongfully converting assets, wrongfully using confidential information, making false statements, and taking actions adverse to the best interests of soccer. The appellant was suspended from all Organization Member activities for three years except coaching his daughter's team.

Decision: The appeal was DENIED and the state association's decision was UPHELD. The panel found that the Organization Member had provided due process and there was sufficient evidence to support the decision.

USSF Appeal No. 2007-17:

Facts: The appellant was a USSF registered referee assignor. He was found guilty of assigning an unregistered referee to a U-12 boys' game sanctioned by an Organization Member. He was suspended for six months.

Decision: The appeal was DENIED and the Organization Member's decision was UPHELD. The appeals panel found that this was not an emergency assignment situation and the punishment was not unduly harsh.