

## DISCIPLINARY DECISION



Match	Portugal U20 v Uruguay U20		
Player's Union	Uruguay	Competition	U20 Trophy
Date of match	5 September 2018	Match venue	STADIONUL NATIONAL ARCUL DE TRIUMF, BUCURESTI
Rules to apply	Tournament Disciplinary Program.		

### U20 Trophy

PARTICULARS OF OFFENCE			
Player's surname	Iruleguy	Date of birth	
Forename(s)	Jose		
Referee Name	Nika Amashukeli (Georgia)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	2 Yellow Cards: 9.11 – Lifting tackle (amended to 9.13 – dangerous tackle by the Disciplinary Committee).  9.13 – high tackle.	SELECT:    Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>  If "Other" selected, please specify:	
Summary of Sanction	1 week (5-12 September 2018). Suspension includes in the final match (Round 4) of the U20 Trophy.		

HEARING DETAILS			
Hearing date	6 September 2018.	Hearing venue	By Skype conference call.
Chairman/JO	Jeremy Summers (England).		
Other Members of Disciplinary Committee	Frank Hadden (Scotland - former Scotland coach). Lawrence Sephaka (South Africa – former international player).		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Rudy Leavasa– Manager. Jeronimo Amalsi – Assistant Manager.	Disciplinary Officer and/or other attendees	Ben Rutherford – DDO.
List of documents/materials provided to Player in advance of hearing	Referee's Report on Ordering Off (YC2). AR's Report on Ordering Off (YC2). Referee's Report on Temporary Suspension (YC1). Match footage.		

## SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/DVD FOOTAGE

The first yellow card was issued in the 18<sup>th</sup> minute (1<sup>st</sup> half). The Referee's Report read:

*N15 of Uruguay made dangerous lifting tackle, player landed on his side.*

The second yellow card was issued in the 77<sup>th</sup> minute (2<sup>nd</sup> half). The Referee's Report read:

*N15 of Uruguay made dangerous high tackle on opponent. He got second yellow card and was sent off.*

The AR's Report of this incident read:

*I had flag for high tackle against Uruguay N15. I told the referee that tackle was forceful and deserved a yellow card. It was second yellow card for him, so he was sent off.*

The match footage was limited to a single, side-on, angle with the camera positioned some distance away.

In respect of the first incident, this showed the Player move from inside to outside defending close to his goal line to effect a tackle on the Portuguese attacker. In making the tackle, the attacker was taken off the ground and to the horizontal before landing with heavy impact on his side.

In relation to the second incident, the Player was defending against a Portuguese attack close to his right touch line. The ball carrier attacked at the Player's channel and broke through the initial challenge. The Player however managed to grab the shorts of the attacker with his left hand. The attacker then starts to fall to ground before the Player's right arm hooks round the attacker's neck from behind the attacker. The AR flags for foul play and, after consultation, the Player is issued with a Yellow and then a Red Card. The Player does not challenge the decision and goes immediately to the Portuguese player to apologise.

## ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

No injury was sustained as a result of either incident.

## SUMMARY OF PLAYER'S EVIDENCE

The Player gave evidence and unequivocally accepted that the Referee had been correct in issuing both Yellow Cards.

He had not intended to lift the ball carrier off the ground in the first incident, and thought that the dynamic had been contributed to by the fact that the ball carrier had jumped just before impact to avoid the tackle. He had not realised his opponent was off the ground until he looked up just after impact, by which time the ball carrier was already above home.. He was conscious of the risk of injury and had done what he could to bring him down safely.

The second incident had arisen because the Portuguese player had been going to ground as he attempted to wrap his right arm around him. Had he not done so, he believed that his tackle would have impacted across the chest, but he accepted there had been a dangerous high tackle.

The Player is 20 years old and had been playing in his sixth game for his country (at U20 level). He had been playing for 9 years and had a previously clear disciplinary record.

#### FINDINGS OF FACT

The Disciplinary Committee carefully reviewed all the evidence.

The Player did not challenge either Yellow card and the Disciplinary Committee found no reason to suggest that the Referee had been wrong to issue a Yellow Card in either instance.

Both acts of foul play were found to be dangerous tackles contrary to Law 9.13. The Disciplinary Committee amended the law in relation to the second charge from Law 9.11. This was explained to the Player who did not object, and the Disciplinary Committee, was satisfied that no prejudice would arise against the Player in consequence of the amendment.

In the first incident the Committee found:

- The Player had lifted an opponent in a dangerous manner.
- Whilst the jumping action of the ball carrier had contributed to the dynamic, there had still been a lift and drive that resulted in the tackle becoming unlawful.
- The Portuguese player, somewhat fortuitously, landed on his side.
- No injury resulted.

In the second incident:

- The Player was partially beaten and swung his right arm from behind connecting with the neck/head of the attacking player.
- The Portuguese player may have lowered his body position, but this did not mitigate against the unlawful contact (in this respect, the Disciplinary Committee noted the amended tackle law being trialled during the U20 Trophy).
- No injury resulted.

Both incidents were found to have been reckless and not intentional.

#### DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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## SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)

### ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

\*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point
The Disciplinary Committee noted the provisions of Appendix 6 TDP, and that it was required to sanction on the basis of persistent offending rather than the substantive underlying offences.
It considered the scenarios where a Disciplinary Committee might consider that no sanction was required as set out at paragraph B.2 a)—c) to Appendix 6 TDP and was satisfied that none applied.
In the finding of the Disciplinary Committee, the offending required a sanction to be imposed, and determined that the appropriate entry point was a suspension of two weeks.
In so finding it had regard to the fact that: <ul style="list-style-type: none"> <li>• Both offences involved dangerous tackles.</li> <li>• Both offences had the potential to cause serious injury.</li> <li>• The second offence involved contact at or close to the head.</li> </ul>

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Not relevant. The Player had a clear record.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
None.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
None.

Number of additional weeks:

**RELEVANT OFF-FIELD MITIGATING FACTORS**

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
The Player had immediately and unequivocally accepted he was at fault.	As noted, the Player had the benefit of a clear record.
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
Not relevant to the offending concerned. As above, the U20 Trophy is being used to trial a more stringent tackle law and the Player would have been briefed on this.	The Player conducted himself in a manner that did him credit.

Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
The Player recognised the seriousness of his actions and expressed his regret. He had immediately apologised to his opponent after the second incident.	None.

Number of weeks deducted:

1
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Summary of reason for number of weeks deducted:

Having regard to the mitigating factors set out above, the Disciplinary Committee found that the Player was entitled to the maximum 50% discount provided for under TDP 12.10.3 (b)

TDP 12.10.3 (c) [wholly disproportionate sanction] was not applied for and was applicable in this matter.

### SANCTION

**NOTE:** PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	1 week	Sending off sufficient <input type="checkbox"/>
Sanction commences	5.9.18	
Sanction concludes	12.9.18	
Matches/tournaments included in sanction	1 U20 match – (Round 4)	

Costs	
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Signature (JO or Chairman)	<i>Jeremy Summers</i>	Date	7.9.18
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**NOTE:** YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule) (see Page 6)