

# Disciplinary Committee

**FIFA**<sup>®</sup>

Date: 03 January 2022

Sent to:  
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C.C  
CONCACAF  
U.S. Soccer Federation

## Notification of the grounds of the Decision

Ref FDD-9664

Dear Sirs,

Please find attached the grounds of the decision passed in the aforementioned case by the Chairman of the FIFA Disciplinary Committee on 23 November 2021.

We would appreciate your taking due note of this decision and ensuring its implementation.

Yours faithfully,

**FIFA**



Carlos Schneider  
Director of the FIFA Judicial Bodies

Fédération Internationale de Football Association

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# Decision of the FIFA Disciplinary Committee

passed on 23 November 2021

**DECISION BY:**

**Mr. Jorge Palacio, Colombia (Chairman)**

**ON THE CASE OF:**

**Jamaica Football Federation**

(Decision FDD-9664)

**REGARDING:**

Art. 46 - FDC - Protests

## I. FACTS OF THE CASE

1. The following summary of the facts does not purport to include every single contention put forth by the actors at these proceedings. However, the Chairman of the FIFA Disciplinary Committee (**the Committee**) has thoroughly considered all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of its position and in the ensuing discussion on the merits.
2. On 16 November 2021, a match was played in Jamaica between the representative teams of Jamaica and the USA in the context of the Preliminary Competition of the FIFA World Cup Qatar 2022™, CONCACAF Zone (**the Match**).
3. On 18 November 2021 (at 4:09 Swiss Time), the Jamaica Football Federation (**JFF**) addressed a “*Letter of Protest*” to FIFA (**the Protest**) requesting the Match to be investigated.
4. On 18 November 2021, in view of the foregoing, the Secretariat to the FIFA Disciplinary Committee (**the Secretariat**) informed the US Soccer Federation (**USSF**) about the Protest lodged by the JFF in accordance with art. 14 (9) of the Regulations FIFA World Cup 2022™, Preliminary Competition (**FWCQ Regulations**) as well as arts. 46 and 54 of the FIFA Disciplinary Code (**FDC**) and granted it with the opportunity to provide its comments in relation thereto.

## II. POSITION OF THE PARTIES

### A. The Protest

5. The Protest lodged by the JFF is directed at two decisions taken by the referee during the Match, namely:
  - i. *"A clear hand ball occurred in the box during the first 45 minutes of the game. After a series of protest the Referee waived it off and ruled 'play on'";*
  - ii. *"During the second half of the game, the ball was headed within the box and into the goal by player Damion Lowe. The Referee ruled 'no goal'. We learnt afterwards that the Referee stated that the player had committed an infringement".*

### B. The position of the USSF

6. No position was received from the USSF with regard to the Protest.
7. The Committee once again reiterated that it had considered all the facts, allegations, legal arguments and evidence provided by the parties and in the present decision has only referred to those observations and evidence considered necessary to explain its reasoning.

### **III. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE**

8. In view of the circumstances of the present matter, the Committee decided to first address the procedural aspects, namely, its jurisdiction and the applicable law, before entering into the substance of the matter and assessing the Protest.

#### **A. Jurisdiction of the FIFA Disciplinary Committee**

9. First of all, the Committee noted that at no point during the present proceedings did the Respondent challenge its jurisdiction or the applicability of the FDC.
10. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasise that, on the basis of arts. 2, 46 and 53 of the FDC, he is competent to evaluate the present case.
11. Moreover, in line with art. 54 (1) (a) FDC, the present case can be decided by the Chairman ruling alone.

#### **B. Applicable law**

12. In order to duly assess the matter, the Committee first emphasised that, given that the Match took place on 16 November 2021, the 2019 edition of the FDC was applicable to the present issue. As such, the Committee considered that both the merits and the procedural aspects of the present case should be covered by said edition of the FDC.
13. In those circumstances, the Committee referred to the relevant provision of the FDC applicable to protests, specifically art. 46, which reads as follows:

*1. Associations and their clubs are entitled to lodge protests. Protests must reach the Disciplinary Committee in writing, indicating the relevant grounds, within 24 hours of the end of the match in question.*

*2. The 24-hour time limit cannot be extended. For the sake of the smooth running of the competition, the corresponding competition regulations may shorten the protest deadline accordingly.*

*3. The protest fee is CHF 1,000. It must be paid when the protest is lodged and is reimbursed only if the protest is admitted in full.*

*4. A protest is admissible only if it is based on:*

*a) an ineligible player's participation in a match as a consequence of that player not fulfilling the conditions defined in the relevant FIFA regulations;*

- b) an unfit field of play, as long as the referee was informed as soon as the problem was reported or observed (whether in writing before the match, or orally by a team captain, in the presence of the captain of the opposing team, during the match);*
- c) an obvious error by the referee as defined in article 9 of this Code, in which case the protest may be directed only at the disciplinary consequences of the referee's obvious error.*

14. Notwithstanding the above, the Committee recalled that the Preliminary Competition to the FIFA World Cup Qatar 2022™ is also governed by the FWCQ Regulations which “*regulate[s] the rights, duties and responsibilities of all associations taking part in the FIFA World Cup 2022™ preliminary competition. The Regulations and all directives, decisions, guidelines and circulars issued by FIFA shall be binding for all parties participating and involved in the preparation, organisation and hosting of FIFA World Cup 2022™ preliminary competition matches.*” (art. 1 (3) of the FWCQ Regulations).

15. Subsequently, the Committee referred to art. 14 of FWCQ Regulations related to protests:

*1. For the purpose of these Regulations, protests are objections of any kind related to events or matters that have a direct effect on matches organised in the preliminary competition of the FIFA World Cup 2022™, including but not limited to the state of and markings on the pitch, accessory match equipment, eligibility of players, stadium installations and footballs.*

*2. Unless otherwise stipulated in this article, protests shall be submitted in writing to the FIFA Match Commissioner within two hours of the match in question and followed up with a full written report, including a copy of the original protest, to be sent by email to the FIFA general secretariat within 24 hours of the end of the match, otherwise they shall be disregarded.*

(...)

*5. Protests against any incidents that occur during the course of a match shall be made to the referee by the team captain immediately after the disputed incident and before play has resumed, in the presence of the captain of the opposing team. The protest shall be confirmed in writing to the FIFA Match Commissioner by the head of the team delegation no later than two hours after the match.*

*6. No protests may be made about the referee's decisions regarding facts connected with play. Such decisions are final and not subject to appeal, unless otherwise stipulated in the FIFA Disciplinary Code. The same applies for any potential issue concerning the use of goal-line technology (GLT) and the video assistant referee (VAR) system.*

*7. If an unfounded or irresponsible protest is lodged, the FIFA Disciplinary Committee may impose a fine.*

*8. If any of the formal conditions of a protest as set out in these Regulations are not met, such protest shall be disregarded by the competent body. Notwithstanding the above, the FIFA Disciplinary Committee remains competent to prosecute any disciplinary infringement ex officio, as established in the FIFA Disciplinary Code.*

9. FIFA shall pass decisions on any protests lodged, subject to the exceptions stipulated in these Regulations, the FIFA Statutes or any other FIFA regulations.

### C. Standard of proof

16. Firstly, the Committee recalled that any party claiming a right before FIFA's judicial bodies shall carry the burden of proof of this fact (art. 36 (2) FDC). In particular, the party shall submit all relevant facts and evidence of which it is aware at that time.
17. Secondly, the Committee pointed out that, according to art. 35 (3) FDC, the standard of "*comfortable satisfaction*" is applicable in disciplinary proceedings. According to this standard of proof, the onus is on the sanctioning authority to establish the disciplinary violation to the comfortable satisfaction of the judging body, taking into account the seriousness of the allegation.
18. Having clarified the foregoing, the Committee proceeded to consider the merits of the case.

### D. Merits of the dispute

#### 1. Issue at stake

19. The relevant provisions having been recalled, and the above having been established, the Committee acknowledged that the present matter is related to the Match played on 16 November 2021, between the representative teams of Jamaica and the USA, within the context of the Preliminary Competition of the FIFA World Cup Qatar 2022™, CONCACAF Zone.
20. In those circumstances, while taking into account the time difference, the Committee acknowledged that on the day following the Match, *i.e.* on 17 November 2021<sup>1</sup>, the JFF lodged a protest with respect to the Match. In particular, the Committee duly noted that the Protest is mainly related to two decisions of the referee during the Match.
21. The Committee subsequently observed that the USSF did not provide any submission with respect to the Protest.
22. Taking into account the foregoing, the Committee deemed that, as a first task, it had to analyze whether the Protest is admissible, that is to say, whether it fulfils the formal requirements as provided for under the applicable provisions of both the FDC and the FWCQ Regulations. Should it be the case, the Committee would then proceed to address the further issues for analysis, specifically the consequences of the Protest.

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<sup>1</sup> The Protest has been received on 18 November 2021 (at 4:09 Swiss Time). In other words, the Protest had been submitted to FIFA on 17 November 2021 (at 22:09 Jamaican Time).

## 2. Admissibility of the Protest

23. Summarising the applicable provisions related to protests, the Committee underlined that a protest may only be admissible under the following cumulative conditions:
- i. from a procedural perspective:
    - a) it must be submitted in writing to the FIFA Match Commissioner within two hours of the match in question (art. 14 of the FWCQ Regulations);
    - b) it must reach the Disciplinary Committee in writing within 24 hours of the end of the match, while including a copy of the original protest (art. 46 (1) and (2) FDC read in conjunction with art. 14 of the FWCQ Regulations);
    - c) a protest fee of CHF 1,000 must be paid "*when the protest is lodged*" (art. 46 (3) FDC);
  - ii. as to the merits, if it is based on<sup>2</sup>:
    - a) an ineligible player's participation in a match as a consequence of that player not fulfilling the conditions defined in the relevant FIFA regulations;
    - b) an unfit field of play, as long as the referee was informed as soon as the problem was reported or observed (whether in writing before the match, or orally by a team captain, in the presence of the captain of the opposing team, during the match);
    - c) an obvious error by the referee (such as mistaking the identity of the person penalized) in which case the protest may be directed only at the disciplinary consequences of the referee's obvious error.
24. With the above in mind, and for the sake of completeness, the Committee recalled that art. 14 (8) of the FWCQ Regulations provides that should any of the formal conditions of a protest not be satisfied, such protest shall be disregarded by the competent body.
25. Against such background, the Committee went on to analyse the admissibility of the Protest in light of the above conditions.
26. To begin with, the Committee carefully read the report of the match commissioner and noticed that the latter did not make any reference to a potential protest on the side of the JFF<sup>3</sup>.

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<sup>2</sup> Cf. art. 46 (4) FDC. It is also to be noted that, in line with art. 14 (6) of the FWCQ Regulations, no protests may be made about the referee's decisions regarding facts connected with play. Such principle is also embed in art. 9 FDC ("*Decisions taken by the referee on the field of play are final and may not be reviewed by the FIFA judicial bodies*").

<sup>3</sup> For the sake of completeness, the Committee highlighted that the report of the referee does also not contain any reference to a potential protest from the JFF.

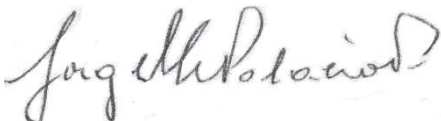
27. In continuation, the Committee pointed out that, in the course of the present proceedings, the JFF failed to provide a copy of its original protest to the match commissioner, nor evidence that said protest had been submitted in writing to the latter within two hours of the Match.
28. Given the above, the Committee was of the view that it could not ascertain that the JFF duly submitted its protest in writing to the FIFA Match Commissioner within the deadline foreseen under art. 14 (3) of the FWCQ Regulations. In other words, the Committee could not establish that the first (cumulative) procedural requirement for a protest to be admissible was actually met.
29. Notwithstanding the above, the Committee subsequently observed that the Protest was received by the Secretariat within the 24-hour time limit as denoted *supra*.
30. In continuation, the Committee acknowledged that when lodging the Protest the JFF did not provide any proof of payment of the protest fee. To the contrary, the Committee noted that FIFA's finance department confirmed no such payment had been received.
31. In this regard, the Committee highlighted that the provisions of the FDC related to the payment of the protest fee are clear and leave no room for interpretation: the protest fee must be paid "*when the protest is lodged*" (art. 46 (3) FDC), *i.e.* "*within 24 hours of the end of the match in question*" (art. 46 (1) FDC). In particular, the Committee emphasized that such time limit cannot be extended (art. 46 (2) FDC).
32. Consistently with the above, the Committee was satisfied that the JFF failed to pay the protest fee within the 24-hour time limit. In fact, it even appeared that no such payment was ever made by the JFF.
33. In view of the foregoing, the Committee pointed out that, as the protest fee had not been paid (in a timely manner), the third (cumulative) procedural requirement for a protest to be admissible was also not met.
34. In conclusion, the Committee affirmed that two out of the three conditions for a protest to be admissible from a procedural perspective had not been met. As such, the Committee stressed that it had no other option but to consider the Protest to be inadmissible.
35. As a result, the Committee concluded that (i) the protest lodged by the JFF shall be disregarded, and (ii) further considerations as to the merits of the case would not be required.



## **IV. DECISION OF THE DISCIPLINARY COMMITTEE**

**To declare the protest lodged by the Jamaica Football Federation on 17 November 2021 inadmissible.**

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



**Mr. Jorge Palacio**

Chairman of the FIFA Disciplinary Committee

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### **NOTE RELATING TO THE LEGAL ACTION:**

This decision can be contested before the FIFA Appeal Committee (art. 57 FDC). Any party intending to appeal must announce its intention to do so in writing within three (3) days of notification of the grounds of the decision. Reasons for the appeal must then be given in writing within a further time limit of five (5) days, commencing upon expiry of the first time limit of three (3) days (art. 56 (4) FDC). The appeal fee of CHF 1,000 is payable on the submission of the appeal brief at the latest (art. 56 (6) FDC).