**Rugby World Cup 2019**

**In the matter of the Citing Commissioner’s Report (The “Citing”) alleging foul play (Law 9.12 – kicking) against Paula Ngauamo (The “Player)**

**Summary Decision of the Judicial Panel – Alan Hudson (Canada, chair); Stefan Terblanche (South Africa, former international player) and Valeriu Toma (Romania, former international assistant referee).**

1. The Player admitted before the hearing in written submissions that he had committed the act of foul play as set out in the citing and that the act of foul play warranted the player being sent off, that is, it reached the red card threshold.
2. Despite appropriate notice having being given to the Player and his Union, and the Player afforded the opportunity to attend the hearing, he declined the opportunity to attend the disciplinary hearing without reasonable excuse. His counsel did attend the hearing and with the agreement of his counsel and World Rugby, and in accordance with the provisions of Regulation 18 Appendix 1, the hearing proceeded in the Player’s absence with his counsel providing full submissions on the issue of sanction.
3. The Judicial Panel accepted the explanation on behalf of the Player that he had acted recklessly, not deliberately, in his actions which resulted in his left boot making contact with an opponent’s nose causing a laceration, in that immediately prior to committing the act of foul play, he had been obstructed by the opponent while the Player was not in possession of the ball and both he and this opponent had gone to ground; he was frustrated and angry and attempted to get back to his feet quickly; and he kicked out with his left leg and in so doing, unintentionally but recklessly made contact with an opponent’s face. The force involved in the kicking motion was determined to be moderate and the act of kicking an opponent contains a clear element of significant risk to a vulnerable opponent. The Judicial Panel noted the feature of provocation in that the player had been obstructed prior to the action in question.
4. A mid-range entry point of 8 weeks was applied given there was contact to an opponent’s head. There were no aggravating factors. With respect to mitigation, the Player has 2 earlier periods of suspension as a result of foul play incidents in the last 4 years as well as a yellow card for dangerous play, which in the Judicial Panel’s view must be taken into consideration in assessing any level of mitigation to be applied. No evidence of any good character was presented at the hearing given the Player’s absence. While there was an early acknowledgement of wrong-doing on behalf of the Player, his conduct in failing to attend the hearing without any reasonable excuse, was a significant factor in assessing mitigation. Taking into consideration all of these factors under Regulation 17, the Judicial Panel reduced the period of sanction by 1 week resulting in a 7 week suspension.
5. Given the Player’s non-attendance at the hearing, there was no evidence available as to the Player’s playing schedule. The Player is therefore suspended from all rugby, that is he may not play the Game in any form or be involved in any on-field activities anywhere, until such time as he provides evidence of his playing schedule such that a determination as to the list of matches to be included in the suspension as well as conclusion date for the period of sanction, can be determined.

Alan Hudson

Stefan Terblanche

Valeriu Toma

October 15, 2019