

DISCIPLINARY DECISION



Match	IRELAND v USA		
Competition	VODAPHONE SUMMER SERIES 2021		
Date of match	10.07.21	Match venue	AVIVA STADIUM
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE				
Player's surname	HATTINGH	Date of birth	5 th March 1994	
Forename(s)	RIEKERT			
Player's Union	USA			
Referee Name	MATHIEU RAYNAL	Plea	<input type="checkbox"/> Admitted	<input checked="" type="checkbox"/> Not admitted
Offence	Law 9.13 – A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders	SELECT:	<input type="checkbox"/> Red card	<input checked="" type="checkbox"/> Citing
			If "Other" selected, please specify:	
Summary of Sanction	Four (4) matches			

HEARING DETAILS			
Hearing date	13 JULY 2021	Hearing venue	REMOTE VIA ZOOM
Chairman/JO	SAMANTHA HILLAS QC		
Other Members of Disciplinary Committee	BOGDAN ZEBEGA (ROM) LEON LLOYD (ENG)		
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)	GARY GOLD – USA TEAM COACH OSCAR ALVAREZ - USA TEAM MANAGER (OBSERVING)	Disciplinary Officer and/or other attendees	BRIAN HAMMOND (DDO) YVONNE NOLAN JOYCE HAYES
List of documents/materials provided to Player in advance of hearing	1. Judicial committee standard directions 2. Team sheets for both teams 3. Referee's report 10.07.21 4. TMO report 10.07.21 5. Email Gerard Carmody (IRFU Head of Operations) 11.07.21 enclosing brief statements from: (a) Ireland #2 Ronan Kelleher; and (b) Team doctor Stuart O'Flanagan 6. Statement from Riekert Hattingh received 13.07.21 7. Statement from Dr Colin Miller, medical co-ordinator for Seattle Seawolves received 13.07.21 8. A copy of regulation 17 9. Match footage		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

The incident occurred 13.18 minutes into the second half. At the time of the incident, Ireland were leading 38 points to 3 (full time score 71-10).

The match footage shows the incident from a number of angles. Ireland are in possession of the ball - Ireland #2 receives the ball from his right whilst in midfield, approximately 15 metres from the USA goal line. USA #7 is directly in front of Ireland #2, at a distance of approximately 2 metres at the point Ireland #2 receives the ball. USA #7 plants his feet squarely and bends at the knees anticipating the tackle, but his upper body remains relatively upright. Ireland #2 also bends into the tackle, dropping his body height and bringing his left arm forward. USA #7 brings his arms round to wrap around Ireland #2 at shoulder level but as his body has remained relatively upright, his left shoulder makes direct contact with the chin of Ireland #2, which forces Ireland #2's head back sharply and both players go to ground. The referee whistles for a forward pass (the pass received by Ireland #2) at which point the TMO draws the referee's attention to the potential foul play. After reviewing the incident, the referee showed USA #7 a Red Card.

The Referee's report stated that "*7 USA come from distance with time to adjust, tackles the opponent (Ireland 2) clearly making contact with his shoulder to the opponent's chin with force*"

The TMO report stated that: "*I gave a call to the ref to review a potential foul play. USA 7 made an upright tackle which resulted in a direct contact of his shoulder to the chin of Ireland 2. There were no mitigating factors.*"

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

The Player's statement received shortly before the hearing disputed the red card and "*did not accept the Referee as a true and accurate account of the incident*". The Disciplinary Committee therefore requested that the Referee attend the hearing to enable the Player and/or his representative to put questions to him*. Mr Gold on behalf of USA #7 put a number of questions to the Referee. When asked why he did not review the forward pass, the Referee's evidence was that the forward pass was not the issue: he was asked by the TMO to review the foul play, which he did. The Referee confirmed that he followed the high tackle framework and looked for mitigating factors. The Referee confirmed when asked that a forward pass would not be a defence to direct contact with the head. The Referee went on to explain when questioned by Mr Gold that he was focussed on the game and did not perceive the high tackle – he whistled for the forward pass and had missed the tackle. Ireland #2 came to him and said he had been hit in the face, as did the Ireland captain. The TMO asked him to review the incident and he went through the process of applying the high tackle framework to reach his decision. He considered whether there were any mitigating factors and decided there were none. When asked specifically by Mr Gold about his assessment of the degree of force, the Referee confirmed that he considered it was a high degree of force due to the way that the head of Ireland #2 flipped back.

*Mr Gold complained during the hearing that he had not been told that the Referee was going to be available at the hearing. He was reminded of regulations 17.15.3/17.16.1(b) - the burden of proof on the Player to satisfy the Disciplinary Committee that the Referee's decision was wrong - and it was explained

to him that the decision to ask the Referee to attend was for the Player's benefit, to ensure that his challenge to the Referee's decision could be properly explored by the Disciplinary Committee. The Disciplinary Committee are satisfied the decision to ask the Referee to attend was the right decision, that there was no unfairness to the Player and indeed, Mr Gold asked a number of pertinent questions which permitted the Disciplinary Committee to give proper consideration to the Player's challenge to the contents of the Referee's report.

SUMMARY OF PLAYER'S EVIDENCE

The Player confirmed that he had set out matters in his statement and repeated the main points in his evidence to the Disciplinary Committee. He was in position to make the tackle and dropped/bent his knees. On receiving the forward pass, Ireland #2 landed with both feet and with his right knee bent almost to the ground. His first contact was with Ireland #2's shoulder, demonstrated by the fact Ireland #2's head goes forward: if he had hit his chin, his head would have gone backwards. He was definite that he made contact with Ireland #2's body first. He said he approached Ireland #2 after the game to speak to him but also said to Ireland #2 that he did not think it was a red card or a high tackle. He said Ireland #2 and his coach agreed with him and that it was a good tackle. When asked whether he thought there was anything he could have done to avoid the incident, he said he did not think so: Ireland #2 and #5 were running hard, he was static, very passive in the tackle and did not even get off the line, he dropped his body height leaning forward, tried to bend his knees ninety degrees and tried to wrap with his arms. When asked why he had not dropped his upper half, he said Ireland were running a hard line, already on the gain line and the player was on top of him. He confirmed he made indirect contact with the head, but was clear there was no direct contact with the head.

The Player had provided to the Disciplinary Committee a statement from the medical co-ordinator of Seattle Seawolves, Dr Colin Miller which stated that after reviewing the video a dozen times, he noted that the head of Ireland #2 went forward, not backwards. This was as a result of the Player hitting the body – and not the chin – of Ireland #2. Dr Miller attached three stills from the match footage which purported to demonstrate his conclusions. Dr Miller did not attend the hearing.

In terms of further submissions on behalf of the Player, the Disciplinary Committee was asked by Mr Gold to find that this was not a Red Card offence: the only contact was with Ireland #2's shoulder and not his head; Ireland #2 was not in an optimal position; USA #7 tried to wrap with both arms and made contact with his upper chest; Ireland #2 was not injured; this was an incorrect call by the Referee; this was a very accomplished Referee who did not pick up on the tackle.

FINDINGS OF FACT

The Disciplinary Committee reminds itself that where the Player disputes the Red Card, the burden of proof rests with the Player to show that the Referee was wrong (Reg 17.15.3) and that a Disciplinary Committee shall not make a finding contrary to the decision of the Referee unless it is satisfied, on the balance of probabilities, that the decision of the Referee was wrong (Reg 17.16.1(b)).

The Disciplinary Committee finds that the Player did **not** discharge the burden of proving on the balance of probabilities that the Referee was wrong because:

1. The Player bent his knees anticipating the tackle, but his upper body remained relatively upright going into the tackle from a static position
2. This meant that although the Player's arms were wrapping Ireland #2 around the shoulder level, the Player's head and shoulders were above the level of his arms which caused his shoulder to make direct contact with the chin of Ireland #2: this was not a case of the tackle starting low and the Player's arms/shoulders sliding up
3. Contrary to the Player's evidence and the submissions made on his behalf (which were contradictory; the Player's evidence was that contact with the head was indirect; submissions on his behalf was that there had been no contact to the head) the incident footage clearly shows at various points and from various angles (e.g. at seconds 0.17, 0.31, 0.40, 1.35, 1.45 and 1.56) the Player's shoulder making direct and forceful contact with the chin of Ireland #2
4. Although the incident occurred at speed and Ireland #2 received a forward pass, the Player nonetheless had a clear line of sight and had sufficient time to adjust his position prior to the tackle and avoid the contact with the head
5. Whilst Ireland #2 bent into the tackle, there was no sudden or significant drop in height on his part to mitigate the contact with the head
6. The degree of force was high, causing the head of Ireland #2 to flip backwards
7. The Referee applied the Head Contact Process, resulting in his conclusion – reached properly in the opinion of the Disciplinary Committee – that this was a Red Card offence

The Disciplinary Committee did not find that the Player's actions were intentional.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input checked="" 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 17.18.1(a)-(b) (or equivalent Tournament rule)	
Intentional <input type="checkbox"/>	Reckless <input checked="" type="checkbox"/>
State Reasons	
The incident happened at speed; there was nothing to suggest the Player intended the high tackle; the Player bent at the knees but failed to bend sufficiently at the hips to ensure his tackle was sufficiently below the shoulder line to avoid the risk of a high tackle	
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)	
High tackle	
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)	
N/A	
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)	
N/A	

Self-defence – R 17.18.1(f) (or equivalent Tournament rule)
N/A
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
Ireland #2 confirmed that it “ <i>felt as if it was a big collision but I felt fine after it</i> ”. The Ireland team doctor confirmed that he was satisfied Ireland #2 “ <i>had no ill effects of the event and was fit to play on. On re-assessment post-game, Ronan remains well and I have no medical concerns</i> ”
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
None. Ireland were ahead 38-3 at the time of the incident in the 13 th minute of the second half and won the game 71-10
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
The contact was with Ireland #2’s head
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
No premeditation
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Completed
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
N/A

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks/Matches	Mid-range	Weeks/Matches	Low-end	Weeks/Matches
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<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 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
The Player disputed the Red Card and denied the offence	The Player has a clean disciplinary record
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
This was the Player’s second cap. Although he is relatively new to the international game, he is a seasoned player and his club team’s captain	Although the Player did not accept the charge, he complied with the standard directions and conducted himself well at the hearing

Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
Although the Player did not accept any foul play, he approached Ireland #2 after the game to check on him and discuss the incident	N/A

Number of weeks/matches deducted:

2

Summary of reason for number of weeks/matches deducted:

Although the Player disputed the Red Card and was clearly disappointed with the outcome, he conducted himself well at the hearing, co-operated fully, checked on Ireland #2 after the game and has a clean disciplinary record

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
N/A
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
N/A
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/A

Number of additional weeks/matches:

0

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	4 matches	Sending off sufficient <input type="checkbox"/>
Sanction commences	10.07.21	
Sanction concludes	04.09.21	
Matches/tournaments included in sanction	Houston vs Seattle 15.07.21 US National 7s 13/15.08.21 Seattle v Bend 21.08.21 USA v Canada 04.09.21 NB the Disciplinary Committee confirmed that if the Player applied to World Rugby within 7 days in accordance with the coaching initiative pilot, they would grant permission for this	

Costs

Signature (JO or Chairman)	SAMANTHA HILLAS QC	Date	13.07.21
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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 17.24.2(a) (or equivalent Tournament rule)