

# DISCIPLINARY DECISION



[insert logo e.g.]

Match	Uruguay v Romania		
Competition	July Internationals		
Date of match	10/07/2022	Match venue	Stadium Charrua
Rules to apply	Regulation 17 World Rugby Handbook		

## PARTICULARS OF OFFENCE

Player's surname	Butnariu	Date of birth	12/03/2022
Forename(s)	Tudor		
Player's Union	Romania		
Referee Name	Tual Trainini	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.13. A player must not tackle an opponent early, late or dangerously	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>  If "Other" selected, please specify:	
Summary of Sanction	3 weeks		

## HEARING DETAILS

Hearing date	13/07/2022	Hearing venue	Remote
Chairman/JO	Jennifer Donovan		
Other Members of Disciplinary Committee	Juan Pablo Spirandelli Stefan Terblanche		
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)	Horatiu Bargaunas, Romanian High-Performance Manager.	Disciplinary Officer and/or other attendees	Yvonne Nolan, DDO World Rugby Joyce Hayes, World Rugby Disciplinary Co-ordinator
List of documents/materials provided to Player in advance of hearing	Notice to Player Photo of Gaston Mieres Valente Statement of Dr. Santurio, Uruguay Team Doctor. Statement of Gaston Mieres Valente. Email from Austin Reed, TMO. Email from Tual Trainini, Match Official Email from Neuhan Rivero, AR1 Email from Tomas Bertazza, AR2 Match clips. Team Sheet. Sending off Report Regulation 17		

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

The Sending Off Report outlined that Mr. Butnariu ("the player") was sent off in the 17<sup>th</sup> minute of the first half for a high tackle contrary to Law 9.13. It was reported that there was a clash of heads between the player and Uruguay No. 11 ("U11") as a result of an upright and dynamic tackle which presented a high level of danger. A lack of mitigation was noted and a red card issued. The Assistant Referees had nothing further to add to that report. The decision to issue a red card was made without the assistance of the TMO who reported a communications issue during the first half of the match.

Four video clips of the incident were available which showed the tackle from various angles. U11 received a pass close to the touchline and moved in-field to his right. He carried the ball into contact, turning his body to the right. U11 is tackled by the player who is in an upright position resulting in a clash of heads between the player and U11. U11's head can be seen to move backwards. Both players go to ground and the Match Official immediately halts play.

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

A short statement was received from U11 as follows:

"I had the ball, stepped inside, went to contact and took a hit on my face. I remember what happened before on in game pretty well".

Dr. Santurio reported on the injury as follows:-

"The player Gaston Mieres suffered a direct trauma to the left supraciliary and parietal region. As a consequence, he presented a sharp wound to his eyebrow. Evaluated on the field, it continue playing. After the match ended, the player presented headache, sensitivity to light, nausea, for his he was diagnosed with a concussion. Player is sent for a CT scan. Since he remains symptomatic after 24 hours and following World Rugby protocols, the player is ruled out for the next match on 7/17."

## **SUMMARY OF PLAYER'S EVIDENCE**

The player commenced his evidence by apologising for the incident which he said was the first red card of his career. He explained that he had expected his winger to make the tackle on U11 but that U11 had changed direction and that he (the player) had no time to react to lower his level. He accepted that his body level was too high. He felt the clash of heads. He thought initially, then the whistle went, that a penalty kick might have been awarded but on seeing the replay he knew that the outcome would be more serious. In the player's replies to standing directions and at the outset of his evidence, he accepted having committed an act of foul play which warranted a red card. The player's representative suggested that there may have been sufficient mitigation to reduce the sanction to a yellow card – that the tackle was not a dominant one, that there was a change of direction of the ball carrier and that the player did make an attempt to wrap his arms. When asked to clarify if the player was seeking to contest the red card he confirmed that he was not and that the red card was accepted.

The player said that he had apologised to U11 in person after the match and again later via Instagram. The player's representative pointed out that the player had accepted the offending, which he said was reckless; that head contact had occurred; that the incident happened at speed and that the tackle was more static than dynamic. It was noted that U11's injury was initially assessed as minor and he remained on the field of play for the rest of the match. The player advised that he is 27 years old, has earned 7 international caps and otherwise plays his rugby domestically in Romania.

The player sought the consent of the committee to make application in respect of the Coaching Intervention Programme.

#### FINDINGS OF FACT

The committee found that the player had carried out an act of foul play contrary to Law 9.13 and that head contact had occurred as a result of the players actions. Applying the Head Contact Process, the committee found that the offending met the red card threshold. The player admitted the offending.

#### 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 17.18.1(a)-(b) (or equivalent Tournament rule)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
The committee accepted the evidence of the player which was that he had not intended to carry out the act of foul play but that the offending was reckless.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Direct head on head contact as a result of 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)
The victim player did sustain injuries as set out in the medical report hereinbefore referred to but did continue to play for the remainder of the match. Concussion was subsequently diagnosed.

Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
Nil save detrimental effect on player's own team.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
Victim player was on his feet and upright, not in a particularly vulnerable position.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Nil
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)
Nil

### ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks/Matches</u>	<u>Mid-range</u>	<u>6 Weeks/Matches</u>	<u>Low-end</u>	<u>Weeks/Matches</u>
<input type="checkbox"/>		<input checked="" 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 17.18.1(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
n/a

### RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of commission of foul play – R 17.19.1(a) (or equivalent Tournament rule)	Player's disciplinary record – R 17.19.1(b) (or equivalent Tournament rule)
Player acknowledged offending in replies to Standing Directions and in evidence at hearing.	No previous disciplinary issues.
Youth and/or 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)
The player has 7 international caps and so is inexperienced at international level.	The player and his representative were most co-operative and courteous throughout.

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)
Player apologised to victim player immediately after the match and again in the following days.	N/a

Number of weeks/matches deducted:

3

Summary of reason for number of weeks/matches deducted:

The committee considered that the player met all of the criteria to merit the maximum mitigation of a 50% reduction.

#### 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	3 weeks.	Sending off sufficient <input type="checkbox"/>
Sanction commences	10/07/2022	
Sanction concludes	The date of conclusion of the sanction and the matches to which the sanction applies will be specified on receipt of the player's playing schedule.	
Matches/tournaments included in sanction	3 (subject to a possible 1 week reduction if Coaching Intervention Programme successfully completed)	

Costs	Nil
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Signature (JO or Chairman)	Jennifer Donovan	Date	13/07/2022
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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)