



DECISION FORM

PARTICULARS OF OFFENCE		
Player's Name	Michael Sequoia Hogg	
Player's Union	Spain Rugby Union	
Match	Netherlands v Spain	
Competition	Rugby Europe Championship 2021	
Date of match	18/12/2021	
Match Venue	Amsterdam	
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program	
Referee Name	Eoghan Cross	Plea Charge accepted
Offence	9.20 Dangerous play in a ruck or maul	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:

HEARING DETAILS		
Hearing date	21/12/2021	Hearing venue: On remote
Chairperson/JO	Martin Picton	
Other Members of the Disciplinary Panel	Chris Morgan Roddy Macleod	
Appearance Player	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Appearance Union: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Player's Representative(s)		Other attendees Eric Jara (FER's representative) Eliseo Patron Costas (FER's representative) Jose Manuel Perez Corchado (team manager)
List of documents / materials provided to Player in advance of hearing	1. Citing Commissioner Report 2. Video Clip provided by the Citing Commissioner 3. Match Sheet 4. Video Clips * 8	

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The Citing Commissioner's Report states:</p> <p><i>Spain 10 is just inside his own 22 metre and puts in a clearance kick which is chased by Spain 14 and caught on the full. As he comes to ground he is tackled legitimately by Netherlands 15 to the floor. The first supporting player to arrive is Netherlands 22 who attempts to jackal for the ball. The next player to arrive is Spain 20 who has a clear line of sight on his approach to the ruck and extends his right arm out to his side. As he enters Netherlands 22 does not</i></p>

alter the height of head significantly up or down. Spain 20 upper arm/shoulder connects directly to the face of Netherlands 22 with high force, ejecting him from the back of the ruck. Having looked at the action and considered the Head Contact Process I can find no mitigation; Clear line of sight; No change in height of the victim player; Direct contact to the head; High Force / degree of danger. Therefore I cite Spain 20, Michael Sequoia HOGG under World Rugby Law 9.20.

We also reviewed the available video footage which was consistent with the report.

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

None.

SUMMARY OF PLAYER'S EVIDENCE

In advance of the hearing the Player submitted the following statement:

The phase of play in question is following a high kick from Holland, so I am tracking back to get onside and avoid giving away a penalty. A player from my own team decides to kick another high ball in response and our winger, #14, rushes up to claim the ball putting me onside. After winning the ball in the air, he is tackled immediately by Holland's #15. Then, Holland's #22 comes in to attempt a tackle as the ruck has not yet formed and he is the first to arrive. The player Holland's #22 wasn't joining the ruck through the gate and dives to the tackled player, also his body position is low and he is not supporting his own bodyweight, however his hands are on the ball as he is trying to slow down the speed of play or steal the ball. Previous to cleaning the ruck, I slow down my run, making little steps just to go as down as I could (you could see my right knee touching the ground), being aware of the opponent's low position. Consequently, I reduce the speed and strength of the impact. I adjust my body position to get as low as possible while staying on my feet as I do not want to give away a penalty, however as the opposing player is so low and off his feet while still competing for the ball, it is hard to get underneath him without being penalised for 'diving' into the ruck. Also, I am aware that I do not want to perform a 'crocodile role' or 'neck role' as this may have serious consequences in terms of injury. So, I clean the ruck, making contact and driving through without losing my footing whilst being as low as I can. I understand that I made contact with my shoulder directly to the head/face area of the opposing player, however it was not intentional and I believe there are some mitigating factors in this case.

In the course of the hearing the Player emphasised that he had not intended to make contact with the head of the opposing player. He emphasised that the other player was off his feet making the angle of approach to carry out an effective clear out a difficult one. He stated that he was conscious of a need to avoid an action amounting to a neck roll but accepted that in the circumstances his actions fell foul of the law.

In addition a Disciplinary Statement helpfully submitted on behalf of the Player states:

The action is not in any case intentional. After a kick by a yellow player (Spain), the ball was caged in the air by another yellow player, who was tackled by orange player number 15 (Netherlands). While the yellow player that had been tackled was lying on the ground, the orange player number 22 (Netherlands) tries to recover the ball, not entering the gate correctly (from the side and diving and leaning on top of the players on the ground), and putting his hands on the ball in order to slow down the move (see the following pictures) The red player number 20 (Spain) tries to enter the ruck as low as possible; proof of this is that his right knee even touches the ground (see the following picture)

The yellow player's right knee was touching the ground while the impact occurred. The player and the Union, admit that it was a reckless action, but seeing the clips we appreciate that the player reduces his speed before the impact, making little steps just to try to go as low as possible and adjust his posture, but the aforementioned, caused the player to be unable to avoid the impact, with the bad luck of hitting the opponent's face, but with a reduced speed and strength. Apart from the action, this party would like the following mitigation factors to be recognized: 1) Disciplinary Record: the player has never been sent off with a red card. Furthermore, the player has only seen eight yellow cards in his career (playing as a flanker) of almost more than 8 years as a professional player. 2) Consequence of the action: the opponent was not injured or required medical attention as a result of the action. As proof of this, the opponent was not substituted after the action (see game sheet). Also you can see in the clips his intention to return to the game after the impact. 3) The player's conduct: the player has a good attitude previous and during the hearing. For all the above, accepting that it is a foul play, but that, taking into account the mitigation facts, even knowing that according to Appendix 1 of Regulation 17 of WR, any act of foul play which results in contact with the head and/or the neck shall result in at least a mid-range sanction, we consider that the sanction could be low-end, or if the panel does not accept it that way, it could be half of a mid-range sanction.

FINDINGS OF FACT

This is the reasoned decision of the Panel. Each member contributed to it and it represents our unanimous conclusions. It is reached after due consideration of all the evidence, submissions and the other material placed before us.

In the context of the available evidence and the admissions made by the Player and his Union, we are satisfied that the Player's actions amounted to dangerous play in a ruck or maul that had involved contact with the other player's head. The contact was with a degree of force but fortunately the opposing player could continue and as far as we were aware had suffered no ill effect. We accept that the Player did not intend to make contact with the opposing player's head but this was an avoidable event. His actions were reckless.

DECISION

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
Assessment of Intent		
<input type="checkbox"/> Intentional/deliberate <input checked="" type="checkbox"/> Reckless		
State Reasons		
The Player was attempting a clear out in a challenging situation where the body position of the opposing player made that more difficult.		
Gravity of player's actions		
The carried an element of risk to the opposing player.		
Nature of actions		
An attempted clear out.		
Existence of provocation		
N/A		
Whether player retaliated		
N/A		
Self-defence		
N/A		
Effect on victim		
He was able to continue playing.		
Effect on match		
None.		
Vulnerability of victim		
He was in a vulnerable position.		
Level of participation/premeditation		
It was not premeditated but was ill judged.		
Conduct completed/attempted		
Completed.		
Other features of player's conduct		
N/A		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input checked="" type="checkbox"/> Mid-range [6] Weeks	<input type="checkbox"/> Low-end [XX] Weeks
*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.		
Reasons for selecting Entry Point above Top End		
N/A		

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
Player's status as an offender of the Laws of the Game		
Only ever had yellow cards in the past.		
Need for deterrence		
That arises by reference to the head injury protocol mid-range entry point.		
Any other off-field aggravating factors		

None

Number of additional weeks: None

Summary of reason for number of weeks added:

N/A

RELEVANT OFF-FIELD MITIGATING FACTORS

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby

Acknowledgement of guilt and timing	Player's disciplinary record/good character
Full and immediate.	Yellow cards only.
Youth and inexperience of player	Conduct prior to and at hearing
N/A	Exemplary.
Remorse and timing of remorse	Other off-field mitigation
Full and immediate.	N/A

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Player fully accepted that he was responsible for a discipline offence. The Player's actions were reckless and whilst they carried a degree of risk in the event no harm was occasioned. The Player was respectful and contrite during the hearing. The Player's Union also dealt with this matter in an exemplary fashion.

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 – RE Discipline Regulations 4.1.4 / 4.4 (or equivalent Tournament rule)

Total sanction	3 weeks / Matches	<input type="checkbox"/> Sending off sufficient
Sanction commences 21/12/21		
Sanction concludes 23/01/22		
Matches/tournaments included in sanction	09/01/22: Barca Rugby/CR Cisneros 16/01/22: CR El Salvador/ Barca Rugby 23/01/22: VRAC/Barca Rugby	

Costs	0
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Date	21/12/21
Signature (JO or Chairman)	<i>M Pícton</i>

NOTE: You have 48 hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.6.2 (or equivalent Tournament rule)