

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	AP Warriors RFC vs. Mean Machine II RFC		
Player's Club	Mean Machine II	Competition	Nationwide Nairobi Universities
Date of match	16 November 2024	Match Venue	JKUAT Grounds Thika Road, Nairobi
Rules to apply	REGULATION 17 WORLD RUGBY HANDBOOK & KENYA RUGBY UNION'S DISCIPLINARY CODE & RUGBY XV's COMPETITION MANUAL		

PARTICULARS OF OFFENCE			
Player's surname	Mbogo	D.o.B / Age	24 Sep 1999 / 25yr.
Forename(s)	Kelvin		
Referee Name	Brian Ndung'u	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.12: A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching , contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee(s), stamping, trampling, tripping or kicking.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify: Two YELLOW CARDS leading to automatic RED CARD	
Summary of Sanction	The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XV's Competition Manual – Appendix Rules 20/21/22) as low-end on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a two (2) week/match suspension. In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 16 November 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	03 Dec 2024, 09:00 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. Seth Lennon – TM, Mean Machine 2.	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: - KRRA 2. Kevin Wambura: KRU – League Fixtures & Competitions
List of documents/materials provided to Player in advance of hearing	1. 241203 Notice of Disciplinary Hearing - Kelvin Mbogo 2. 241203 Notice of Disciplinary Hearing - Kelvin Mbogo - email 3. 241203 AP Warriors vs. Mean Machine II - Kelvin Mbogo Send Off & Match Sheet		

KENYA RUGBY UNION - DISCIPLINARY DECISION

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

Referee's Report on Ordering-off

Refer to detailed "Referee's Report on Ordering Off" as attached.

1. The RED card was shown to Mean Machine Player No.17 Kelvin Mbogo in the 67th minute of the match.
2. Mean Machine II carried the ball into contact and formed a ruck. An AP Warriors player attempted to counter ruck but was unsuccessful.
3. As the APW player left the ruck, he made accidental head on head contact with Machine No. 17 which resulted in the latter throwing a punch which landed on the AP player's chest, resulting in the ordering off the player.
4. The degree of force was not high. The APW player was not injured and continued with the game.
5. Player No.17, MMII player apologised to the APW player as they left the field.
6. APW player was not identified by name or number in the report.

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

Match Sheet, attached, confirms:

1. Team B (Mean Machine II) Player No.17 Kelvin Mbogo received a RED CARD in the 67th minute of a Nationwide Nairobi Universities match between AP Warriors and Mean Machine II.

DVD Footage

1. No DVD footage was presented.

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

Medical

1. No medical report was presented – the Referees report indicated the APW player was able to resume play immediately.

SUMMARY OF PLAYER'S EVIDENCE

The player: Kelvin Mbogo

Not present.

- 1.

Player Representative – Seth Lennon –Team Manager, Mean Machine II:

1. Confirmed that he had authority to represent the player.
2. Admitted the charge on behalf of the player
3. Expressed remorse

KENYA RUGBY UNION - DISCIPLINARY DECISION

FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

No Comment

1.

Match Officials

1. Not present

JO's Comments

1. Match Sheet:
 - a. All necessary information and key moments save for timing of incidents, are captured.
 - b. No **substitutions** have been captured.

2. Referee's Report:
 - a. All information necessary is well captured, save for identification the player offended.
 - b. The Referees summary of the incident is detailed and clear.
 - c. Highly commended.

JO's Decision

The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XVs Competition Manual – Appendix Rules 20/21/22) as **low-end** on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a two (2) week/match suspension.

In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 16 November 2024.

No award was made as to costs.

DECISION

Breach admitted	Proven	Not proven	Other disposal (please state)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

KENYA RUGBY UNION - DISCIPLINARY DECISION

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a & b) (or equivalent Tournament rule)	
Intentional/deliberate <input checked="" type="checkbox"/>	Reckless <input type="checkbox"/>
State Reasons	
Threw a punch following an accidental collision of heads as both players left a ruck.	
Gravity of player’s actions - R 17.18.1(b) (or equivalent Tournament rule)	
Potential injury to opponent	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
None	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)	
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)	

KENYA RUGBY UNION - DISCIPLINARY DECISION

ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
9.12: A player must not physically abuse anyone. Physical abuse includes, but is not limited to: Punching or striking with hand, arm, elbow or shoulder.					
<u>Low end</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Top-end*</u>	<u>Weeks /</u>
<input checked="" type="checkbox"/>	2 (Two)	<input type="checkbox"/>	6(Six)	<u>Matches</u>	<input type="checkbox"/> 10+ (Ten) to 52(Fifty Two) Max

Notes

1. *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.
2. Appendix 2 - WORLD RUGBY SANCTIONS FOR FOUL PLAY (REGULATION 17): Any act of foul play which results in contact with the head shall result in at least a mid-range entry point sanction.
3. 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
Not Applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS
Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
1. First offender
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
1. Yes
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
1. None

Number of additional weeks:

Nil (0)

KENYA RUGBY UNION - DISCIPLINARY DECISION

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)
1. Admitted the breach immediately	1. First offender
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)
1.	1.
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)
1. Player expressed remorse.	

Number of weeks deducted:

Weeks (0) – See Regulation 17.19.2 below for maximum mitigation

17.19.2 Subject to Regulations 17.19.3 and 17.21.1, for acts of Foul Play the Disciplinary Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
The total sanction below replaces the automatic one-match ban for a RED CARD sending-off.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	Entry point = 2 weeks Mitigating factors = 0 week Aggravating factors = 0 week Total after aggravating & mitigating = 2 - 0 + 0 = 2 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	16 September 2024	
Sanction concludes	KRU sanctioned Match weekends in which sanctioned player’s Team participates (as per Kenya Rugby Union Disciplinary Code & Tournament Participation Rules for 7s tournaments.	
Matches/tournaments included in sanction	Nationwide Nairobi Universities League – matches on 23 rd & 30 November 2024.	

Costs	None
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Signature (JO or Chairman)	 Aggrey Chabeda	Date	20 September 2024
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NOTE: YOU HAVE **7 (SEVEN) DAYS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE KRU COMPETITIONS DEPARTMENT – R 17.22.2(a) (or equivalent Tournament rule)



Referee's Report on an Ordering Off

OFFICIATING

Player's Union	Mean Machine II			Player Number	17	
Full Name of Player	Kelvin Mbogo					
Venue	JKUAT Grounds			Date of Incident	16 Nov 2024	
Match Result	AP Warriors	30	pts	Mean Machine II	0	pts

Nature of Offence: (Please indicate appropriate offence)													
Law	✓	Law	✓	Law	✓	Law	✓	Law	✓	Law	✓		
3.7		9.7 (d)		9.12		9.17		9.20 (c)		9.25			
4.7		9.8		9.13		9.18		9.21	<input checked="" type="checkbox"/>	9.26			
9.7 (a)		9.9		9.14		9.19		9.22		9.27			
9.7 (b)		9.10		9.15		9.20 (a)		9.23		9.28			
9.7 (c)		9.11		9.16		9.20 (b)		9.24					
Please give a short description of the Law													
A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee(s), stamping, trampling, tripping or kicking.													
Period (of game when incident occurred):			1 st Half		2 nd Half	<input checked="" type="checkbox"/>	Extra time		Elapsed time in half				
Proximity of Official(s) to incident				5				metres					
Score at that time		AP Warriors			25	pts	Mean Machine II			0	pts		
Had any cautions been issued to		a) Individual		Yes		No	<input checked="" type="checkbox"/>	b) General		Yes		No	<input checked="" type="checkbox"/>
Was the Player ordered off further to the report of an Assistant Referee? <i>(If yes, a separate form may need to be completed and submitted by the assistant referee)</i>								Yes		No	<input checked="" type="checkbox"/>		

Referee's Name	Brian Ndungu	Union	NRRS
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Please give a detailed report below (PLEASE WRITE CLEARLY)
In the 27th minute of the second half, Mean Machine carried the ball into contact and formed a ruck. This was just outside the AP 22, on the 15m line. An AP player attempted to counter ruck but was unsuccessful. As the AP player got out of the ruck, they made accidental head on head contact with Machine 17. Machine 17 then went ahead and threw a punch to the AP player which lightly connected with the AP player's chest. The degree of force was not high. The AP player was not injured and continued with the game. This action led to a small melee which I controlled. I then called the captains together, explained my reasoning and showed a red card to Machine 17. The player apologised to his opponent as he left the field.

Signed	B.N	Date	16 Nov 2024
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THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH

KENYA RUGBY UNION MATCH SHEET

29155

Match	Team A: AD WARRIORS	Team B: MEAN MACHINE II	Tournament: Nationwide	Venue: JKUAT							
	Full Time: A 30 v B: 00	Half Time: A 18 v B: 00	Date: 16/11/2024	Kick-off Time: 1:40 PM							
Referee:	Name: BRIAN NDUNGU Country: KENYA	ARI Name: N/A Country:	AR2 Name: N/A Country:	Match Commissioner: N/A							
Team A: First Name, Surname		Team B: First Name, Surname		Score sequence. Please indicate shirt number, time, score and event							
		FIRST HALF:				SECOND HALF:					
		No.	Team	Time	Event	Score	No.	Team	Time	Event	Score
						A B					A B
1. LEONARD BONKE	1. Joseph Thiongo (c)										
2. DAVID OGORO	2. Samson Ogwora	10	A		P	3 0	19	A		T	23 0
3. KEVIN MBUGUA	3. Dominic Tindi	13	A		T	8 0	10	A		C	25 0
4. ELYIS ADEMA	4. Philip Westsuli	6	B		Y	8 0	17	B		R	25 0
5. FAHAD SULEIMAN (c)	5. Zac Enos	1	A		T	13 0	8	A		Y	25 0
6. MICHAEL ONUKO	6. Nick Dickens	5	A		T	18 0	1	A		T	30 0
7. MALCOM BUCURU	7. Elkanah Obuyi	19	A		T	23 0					
8. DANIEL KARUBU	8. Amos Ondari	10	A		C	25 0					
9. EPHRAIM PAPAI	9. Benold Okumu	8	A		Y	25 0					
10. IBRAHIM ODUOR	10. Calvin Otiemo										
11. GLEN AMUNGA	11. Ranco Anyunda										
12. GOODWIN OLUOCH	12. Aurelius Claver										
13. EMMANUEL JOSEPH	13. Ryan Otiemo										
14. POWELL NATSE (c)	14. Nelson Rakama										
15. JAMES ODHAMBO	15. Isaac Jonathan										
16. BRIAN MURIMI	16. Renson Anuna										
17. CLIFF KAMAU	17. Kelvin Mbogo					18 00					30 00
18. WYCLIFF RATEMO	18. David Ogina										
19. PAUL SEPA	19. Benedict Bahati										
20. OLIVER MOSES	20. Franckline Otiemo										
21. DENNISH NDINYA	21. Malcolm Opondo										
22. ARNOLD ONUKO	22. Kelvin Wambua										
23. STEVEN OMUNDI	23. Edgar Kasigane										
Signed TM:	Signed TM:	Match Commissioner Comments: N/A		Weather: Rainy		Pitch Condition: Muddy		<ul style="list-style-type: none"> T = Try C = Conversion DG = Drop Goal P = Penalty S = Substitution Y = Yellow Card R = Red Card 			
		Other Comments:		Signed: B...							

TO BE COMPLETED BY MATCH COMMISSIONER AND SENT TO KRU SECRETARIAT WITHIN 48 HOURS AFTER THE MATCH

P O Box 48322, 00100, Nairobi, Kenya. Mobile: +254 733 256179 / 735 256179 / 724 256179 / 714 256179. Email: info@kru.co.ke / kenyarugbyunion@gmail.com

DISTRIBUTION: WHITE - REFEREE, PINK - HOME TEAM, YELLOW - AWAY TEAM

NOTICE OF DISCIPLINARY HEARING - KELVIN MBOGO (MEAN MACHINE II) - 3RD DECEMBER 2024, 0900HRS

KRU Competitions

Mon 2 Dec, 20:22 (18 hours ago)

to eschumabsolute1977@gmail.com, paul, sethlenon21@gmail.com, Daniel, Duncan, george, Willy, me, Thomas, alfred.okwemba@kenyareferees.co.ke, victor.oduor@kenyareferees.co.ke, Kevin

Greetings Seth and the entire Mean Machine Rugby family,

Subject matter refers.

We are in receipt of a sending off report for the above-named player, Kelvin Mbogo from the Nairobi Nationwide league match between AP Warriors and Mean Machine II on the 16th November, 2024 at JKUAT Main Campus Grounds.

Guided by the KRU Regulations 19.6 all the way to 19.10, a virtual disciplinary hearing has therefore been slated for the 3rd December 2024 at 09.45am.

Find attached the notice of disciplinary hearing, the match sheet and the sending off reports. The link to the hearing is also attached:

G.M Ndemi is inviting you to a scheduled Zoom meeting.

Topic: KRU DISCIPLINARY HEARINGS

Time: Dec 3, 2024 09:00 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/85096297818?pwd=W6r62vcoFHdyKbabH5ofF0qWN2lxgQ.1>

Meeting ID: 850 9629 7818

Passcode: 507025

Kind regards,

Competitions Department, Kenya Rugby Union

Tel: +254724 256 179 /733 256 179 | www.kru.co.ke

RFUEA Grounds Ngong Road

NOTICE OF DISCIPLINARY HEARING



Position: Kelvin Mbogo
Club: Mean Machine II
Date Time: 3rd December 2024, 9am
Place of hearing: Virtual (Zoom Hearing)
Reason: DISCIPLINARY HEARING
Match: AP Warriors vs Mean Machine II (16th November 2024)

Notes:

- The player/official shall attend the hearing in person.
- If the player/official is unable to attend the hearing, he should advise the **Competitions Administrator at competitions@kru.co.ke** immediately.
- The Player/Official is entitled to adduce evidence and make submissions, be represented by his Club and/or a legal advisor and may bring witnesses to the hearing.
- The Official is not eligible to play/manage rugby activities pending the final resolution of the case.
- During the hearing, the Judicial Officer will review the evidence and receive the official submissions and evidence, including hearing from any witnesses.
- In advance of the hearing, the Player/official and/or his advisors/Club should review the incident on the Union's/Host clubs copy of the DVD (per the time marker indicated on the report) if available. The Player/official should also review the regulations of the world rugby.
- The Player/official should be prepared with any arguments he may wish to present, including for the purposes of sanctioning, with respect to off-field mitigating factors (on-field mitigating factors are considered in setting the entry point in regulations) and/or the absence of any aggravating factors.
- The official should bring with him a copy of his disciplinary record in all rugby (Fifteens and Sevens at all levels, including, for the avoidance of doubt, international, junior and Club) and other sports if relevant. If a copy is not available, the Player shall inform the Judicial Officer orally of his disciplinary record when requested. The Player should be careful not to make any inaccurate or misleading statements in this regard.

Competitions Administrator - competitions@kru.co.ke

Attached documents: Team Sheet, Match Officials' Reports