

Penalty decision

Wien, 22.11.2010

The Penalty Senate of the Erste Bank Eishockey Liga (Head: Karl Korentschnig, Observer: Bogdan Jakopic and Dr. Alexander Gruber) came to the following decision: According to § 36 DO Andrej Hebar (No. 84) is banned for the rest of the season in the Erste Bank EHL (including the playoffs) for checking against head and neck area and assaulting an opposing player dated November 19th, 2010 in the game HDD Olimpija Ljubljana against EC Red Bull Salzburg.

Justification:

The referee's statement was: "Player Puschnik of EC Red Bull Salzburg checked Andrej Hebar against the boards (game time: 51:01 minutes). Hebar fell to the ground. A moment later Hebar took two steps back and ran into opposing player Puschnik. Hebar did a crosscheck against head, face and neck of Puschnik, who immediately fell onto the ice. Hebar again made two crosschecks against the opposing player Puschnik, who could not defend himself since he was lying on the ice. Afterwards Hebar blocked another player of Salzburg, then again turned towards the player on the ice, Puschnik, and pushed his head against the ice using both his hands."

Andrej Hebar got a match penalty and a game misconduct penalty.

After reviewing the play it was set for the Penalty Senate that Hebar, after getting a check against the boards, checked his opposing player with a big impact against head and neck. Following this check Puschnik went down onto the ice and remained there motionless. Then Hebar again used his stick to push it twice against the neck of Puschnik. After that, Hebar pushed away another player of Salzburg with a crosscheck against the head. Then Hebar went back to Puschnik, who was still lying on the ice motionless, and tried to attack his head again. Seconds later other players stopped Hebar from attacking Puschnik again.

The video of the game showed that Puschnik apparently got hurt and had an open wound.

In this case we have two checks against head and neck area, the first one caused the injury of player Puschnik. But after those two checks Hebar was assaulting Puschnik again, when he crosschecked the motionless, on the ice lying player twice. The next action of Hebar was blocking another player of Salzburg with a crosscheck in his face. Then Hebar turned back to the player lying on the ice and evidently intended other assaults. Since there was no provocation from Puschnik, Hebar was still in persistence of accusable behaviour. Based on the brutality of the attacks, especially against sensitive parts of the body (the non-protected neck area of a player), and the motionless condition of the opposing player Hebar had to expect his attacks to cause serious injuries.

Therefore a penalty according to the common rules for checking against the head and neck area was not enough. The regulations for assaults against opposing players allow a penalty from 2 games to a lifelong ban.

Operative provisions of a judgement.

Mitigating: no reason.

Aggravating: see justification (remaining in a punishable attitude, continued assault against a defenceless opposing player, serious violations in a row).

Remedy: There are no legal actions possible against this decision.

Head  
Karl Korentschnig

Observer:  
Dr. Alexander Gruber  
Bogdan Jakopic  
Klagenfurt/Wien 22.11.2010