



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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APPEAL DECISION

BEN ALLEN

and

RACING VICTORIA STEWARDS

Date of Hearing: 12 December 2016.

Heard By: Judge Bowman (Chair).

Appearances: Mr Simon Carey appeared on behalf of the stewards.
Mr Des O'Keeffe appeared on behalf of Mr Allen.

At Wangaratta on Tuesday 6 December 2016, apprentice jockey Ben Allen was found guilty of a charge of careless riding on his mount *Mr Drew* in Race 3 the *Sam Miranda Wines 3YO Maiden Plate* (1400m).

The particulars of the charge being that near the 1300 meters he permitted his mount shift in when not sufficiently clear of *Green Light*, which had improved to its inside before having to be checked.

Mr Allen had his permit to ride in races suspended for a period to commence at midnight on Wednesday, 7 December 2016 and to expire at midnight on Wednesday, 14 December 2016 – a total of 9 race meetings (3 metro, 6 provincial).

In reaching penalty Stewards deemed the carelessness to be in the low range and acknowledged the racing manners of *Green Light*.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 8 December 2016. A stay of proceedings was granted effective to midnight Sunday, 11 December 2016.

DECISION: Appeal dismissed. Penalty to remain standing.

Taking into account the stay of proceedings, the period of suspension will commence at midnight on Sunday, 11 December 2016 and expire at midnight on Monday, 19 December 2016 (9 race meetings).

**Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

BEN ALLEN

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 12 DECEMBER 2016

MR D. O'KEEFFE appeared on behalf of Mr B. Allen

MR S. CAREY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Ben Allen, you have pleaded not guilty to a charge of careless riding, in that near the 1300-metre mark in race 3 at Wangaratta on 6 December 2016, you permitted your mount, Mr Drew, to shift in when not sufficiently clear of Green Light, ridden by Daniel Stackhouse, causing that horse, which was on your inside, to be checked. The Stewards considered the level of carelessness to be low and acknowledged the racing manners of Green Light which, after a slow start, kicked up rapidly on your inside. They imposed a penalty of suspension of nine meetings and you are appealing against both the decision and the penalty.

I have viewed the video material. That there was an incident is admitted and in my opinion the charge of careless riding has been made out. Stackhouse had drawn barrier 11 and you, barrier 12. True it is that Stackhouse's mount was slowly away in this race which was of 1400 metres. Shortly after the start, Stackhouse was two to three lengths behind you before you started to cross. You were one and a half to two horses outside his and you looked early but did not look again. Stackhouse's mount moved forward but on its line. You crossed that one-and-a-half to two horse widths on his line. By that time, he would appear to have been inside your horse's heels and he had to check. The problem is that you have impinged on his line without having another look. You had an early look but did not look again and then crossed into his line. It is also correct that when you heard a call, you straightened your mount and eased the pressure. However, by then the damage was done.

The interference may have been contributed to by Green Light's sudden acceleration along its line but basically you were the rider crossing. Your mount moved partially into Stackhouse's line and you did not look again before so doing and that seems to me to be where the carelessness lies. That was the primary cause of Green Light having to be checked. So I find the charge proven and the appeal against the decision is dismissed.

As I said, my view is that the primary cause of Green Light having to be checked was the carelessness of Mr Allen. I appreciate he is a very talented and rapidly rising apprentice but I am going to leave the penalty where it is. It seems to me that there has effectively been a discount, a modest one, for Green Light's behaviour but I still think the main cause of the problem was Mr Allen, not Mr Stackhouse's horse. In the circumstances, I am not minded to alter the penalty. I am sure Mr Allen's record will continue to improve and his success rate will continue to climb but I am leaving the penalty where it is.
