

COMMISSIONER'S RULING ON ANDERSSON APPEAL

On October 23, 2023, I conducted a hearing on an appeal regarding the Department of Player Safety's decision to suspend Rasmus Andersson for four (4) games for a charging infraction against Patrik Laine in the game between the Calgary Flames and the Columbus Blue Jackets on Friday, October 20, 2023. The appeal was initiated by the National Hockey League Players' Association ("NHLPA"), by email from John Gerba to Deputy Commissioner, Bill Daly, dated October 22, 2023. Under Article 18.12 of the CBA, for suspensions of five (5) NHL games or less, I am not required to hold a hearing (in-person or telephonic), but here, I offered to do an in-person hearing via Zoom at the request of the Player and the NHLPA. Mr. Andersson was represented at the hearing by the NHLPA. Also in attendance were the Player's agent, Claude Lemieux, Calgary Flames' General Manager, Craig Conroy, Calgary Flames' President & CEO, John Bean, and Calgary Flames' President of Hockey Operations, Don Maloney; and on behalf of the NHL, Bill Daly (Deputy Commissioner), George Parros (Senior Vice President, Player Safety), David Zimmerman (Senior Executive Vice President, Chief Legal Officer and General Counsel), Daniel Ages (Senior Counsel), and Jamie Hacker (Counsel).

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The play at issue occurred with less than five (5) seconds left in the third period of a game Columbus was leading 3-1. Mr. Laine had just received the puck at his own blue line and was looking to send the puck down the ice towards an empty net. Mr. Andersson was skating laterally across the ice from the neutral zone to defend. As Mr. Laine was releasing the puck, Mr. Andersson launched into a high, hard check delivered to Mr. Laine which caused injury. The hit was delivered with Mr. Andersson's elbow and resulted in significant contact with Mr. Laine's head.

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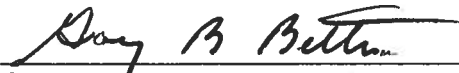
At the hearing, Mr. Andersson acknowledged that the hit was "not perfect," and that he took responsibility for it. Mr. Andersson has no significant history of supplemental discipline in his six (6) year NHL career, and his demeanor during the hearing was at all times respectful. I accept Mr. Andersson's assertion that he accepts responsibility for the hit, and that he plays "hard" for the duration of the game no matter the score; however, the onus in this situation (particularly given the stage and status of the game) was on Mr. Andersson to deliver a clean hit. Although Mr. Laine's head position was relatively low to the ice when he received and released the puck, Mr. Laine did not materially change his positioning just prior to the hit. Moreover, instead of remaining low to deliver his check through Mr. Laine's core, Mr. Andersson instead chose to launch upwards in delivering the hit, almost ensuring contact with the head. (In this regard, I also find that despite Mr. Andersson's assertion otherwise, the video is clear that Mr. Andersson's feet elevated off the ice as he launched into Mr. Laine, delivering a forceful blow to Mr. Laine's head.) It also bears noting that given the circumstances of the game at the time of

this play, where the game was seconds from ending and was out of reach for Calgary, Mr. Andersson's hit was completely unnecessary, making it also irresponsible. In these circumstances, while Mr. Andersson has no significant history of supplemental discipline and no reputation as a dirty player, he ultimately bore the responsibility here to deliver a clean and fair hit, failing which, the imposition of supplemental discipline was warranted and appropriate.

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The relevant issue on appeal ultimately comes down to whether the Player should have been suspended for three (3) games (as contended by the NHLPA) or suspended for four (4) games (as imposed by the Department of Player Safety) for his illegal hit. Given the nature and circumstances of the hit, I find that any mitigating factors here are insufficient to warrant a reduction in the Department of Player Safety's discipline. In making this determination, it is also important for me to note that I have given no weight to the NHLPA's and Mr. Andersson's argument that a reduction in Mr. Andersson's suspension could be justified, in whole or in part, by the fact that the current suspension necessarily precludes his participation in the upcoming 2023 Tim Hortons Heritage Classic taking place on Sunday, October 29, 2023. Consistency of the enforcement standard is a fundamental tenet of supplemental discipline, and the Department of Player Safety should not be asked to create or enforce a standard that distinguishes between the relative importance of Regular Season games. Accordingly, and for the reasons stated above, I find that the Department of Player Safety's decision to suspend Mr. Andersson for four (4) games is supported by clear and convincing evidence and is hereby affirmed.

As a result of the Department of Player Safety's suspension, Mr. Andersson's next available game will be on Wednesday, November 1, 2023.



Gary B. Bettman

Dated: 10/24/23