

COMMISSIONER'S RULING ON MCAVOY APPEAL

On November 7, 2023, I conducted a hearing on an appeal regarding the Department of Player Safety's decision to suspend Charlie McAvoy for four (4) games for an illegal check to the head of Oliver Ekman-Larsson in a game between the Boston Bruins and the Florida Panthers on Monday, October 30, 2023. The appeal was initiated by the National Hockey League Players' Association ("NHLPA"), by email from John Gerba to Deputy Commissioner, Bill Daly, dated November 2, 2023. Under Article 18.12 of the CBA, for suspensions of five (5) NHL games or less, I am not required to hold a telephonic or in-person hearing, but I agreed to do so at the request of the Player and the NHLPA. By agreement of all parties, the hearing was held via Zoom. Mr. McAvoy was represented at the hearing by the NHLPA. Also in attendance were the Player's agent, Michael Curran, Boston Bruins' General Manager, Don Sweeney, 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 approximately ten (10) minutes left in the third period with the score tied. Having just scored the game-tying goal on his prior shift, Mr. McAvoy gained control of the puck inside the blueline of the offensive zone, dropped the puck to teammate Brad Marchand, circled the center point toward the wide side of the ice, and proceeded to accelerate toward the front of the net in an attempt to create a "give and go" scoring opportunity with Marchand. As Mr. McAvoy skated toward the front of the net in pursuit of the puck, Mr. Ekman-Larsson recovered a rebound in front of his goaltender, briefly gaining control of the puck, and passed it quickly to a teammate on his left, in an attempt to eliminate any immediate scoring chance. After the puck was released by Ekman-Larsson, Mr. McAvoy proceeded to deliver a check with his shoulder, which resulted in significant and forceful contact to Mr. Ekman-Larsson's head. The check was delivered in such a way as to make Mr. Ekman-Larsson's head the main point of contact -- a fact that, to his credit, Mr. McAvoy readily concedes, and for which he was assessed a match penalty on the play. Mr. McAvoy was previously suspended for an illegal check to the head in 2019, and he was fined for a tripping infraction in 2022.

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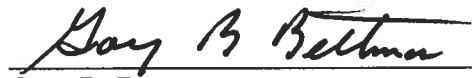
At the hearing, Mr. McAvoy spoke candidly and acknowledged that he "did not successfully deliver the check I intended to," noting that his intention was to deliver a shoulder-to-shoulder check on Mr. Ekman-Larsson. Mr. McAvoy reiterated that he had no intention to injure Mr. Ekman-Larsson on the play, and that he knows he made a mistake. Mr. McAvoy was respectful and appropriately remorseful for his actions. Mr. McAvoy went on to explain that this event happened because of a split-second decision he had made in error. While I recognize that the

game of hockey is fast paced, I cannot excuse actions, such as these, which are wholly avoidable. Here, the video makes clear that the check was delivered late (Ekman-Larsson had already released the puck); it was delivered high (McAvoy elevated through the contact); it was delivered forcefully; and that it was not delivered shoulder-to-shoulder, but rather directly to Mr. Ekman-Larsson's head. While, fortunately, Mr. Ekman-Larsson was not injured on the play, the onus was still on Mr. McAvoy to avoid direct contact with Mr. Ekman-Larsson's head. Simply put, Mr. McAvoy could have, and should have, avoided making this illegal hit, but did not.

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As the above analysis demonstrates, the play at issue here was an illegal check to the head. The only question on appeal for my consideration is whether there was clear and convincing evidence to support a decision to suspend Mr. McAvoy for four (4) games (as imposed by the Department of Player Safety), or whether the suspension should have instead been limited to three (3) games (as contended by the NHLPA) for his illegal hit. While I find some of the previous suspensions involving arguably comparable plays presented by Mr. Gerba as evidence in support of a reduction to three (3) games illustrative, I do not find them controlling because of the various aggravating factors involved in this play, as are cited above, including Mr. McAvoy's previous suspension for a similar act. As a result, I find that the Department of Player Safety's decision to suspend Mr. McAvoy 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. McAvoy's next available game will be on Saturday, November 11, 2023.


Gary B. Bettman

Dated: 11/8/23