

DISPUTES RESOLUTION AUTHORITY

RECORD NO. DRA/22/2007

IN THE MATTER OF THE ARBITRATION ACTS 1954 TO 1980

AND

IN THE MATTER OF AN ARBITRATION

BETWEEN

SEAN Ó DHÚDA (JOHN DOWD)

CLAIMANT

AND

MÍCHEÁL MAC RAGHNAILL (MICHAEL REYNOLDS)

**(mar ionadaí ar son Coiste Éisteachta Laighean) (Leinster Hearings
Committee)**

FIRST RESPONDENT

AND

SEAMUS Ó CUINN (SEAMUS QUINN)

(mar ionadaí ar son Cumann Luthchleas Gael Chontae Longfoirt)

SECOND RESPONDENT

DECISION DATED THE 3RD DAY OF NOVEMBER

AT DUNBOYNE

The Claimant is a member of Cluain Geis CLG. He was suspended by an Coiste Éisteachta (the Hearing Committee) Chontae Longfoirt CLG pursuant to Rule

143(d) T.O. 2007 at a meeting held on 25 October 2007. That suspension was imposed on foot of a Referee's Report of a Longford All County Football League Division One match between Baile Ui Mhatain and Cluain Geis played on the 14th day of October 2007.

The Claimant appealed that decision to suspend to Comhairle Laighean. On the hearing of that Appeal on 1 November 2007 the suspension imposed by the Hearings Committee Chontae Longfoirt CLG was upheld by Coiste Eisteachta Laighean pursuant to Rule 152(m)T.O. 2007.

The Claimant's Appeal to Comhairle Laighean was based on eight technical grounds and procedural points. The Claimant's Request for Arbitration to the Disputes Resolution Authority challenges the decisions of both Respondents on the same eight grounds which were submitted by the Claimant in his Appeal to the First Respondent and which he sets out as follows:-

- 1. I say that no such game was played on the 14th September 2007 and that the Notice of Disciplinary Action was not therefore a valid notice as required under Rialacha 144(k) and 144(l) of Treorai Oifigiul 2007.*
- 2. That An Choiste Eisteachta Chontae Longfoirt C.L.G are illegally constituted and in particular were not appointed by the County Committee at its first meeting after County Convention as required under Bye-Law 4 of Choiste Chontae Longfoirt Bye-Laws 2007. I say that they are consequently not entitled to purport to adjudicate on Disciplinary Matters where a Hearing is requested as envisaged under Rule 61(iii)(a) Treorai Oifigiul 2007. Minutes of meetings of Coiste Chontae Longfoirt CLG confirm this.*

3. *That Coiste Smachta na gComortasai Longfoirt CLG infringed Riail 144(r) Treorai Oifigiul by failing, refusing and/or neglecting to furnish me with a copy of Minutes of meeting of Coiste Chontae Longfoirt CLG and or copy of minutes of Choiste Smachta na gComortasai Chontae Longfoirt containing a record of the appointment of a Referee for the game at which the alleged incident took place as requested by me in my reply to purported Notification of Disciplinary Action.*
4. *That Coiste Eisteachta Chontae Longfoirt CLG infringed Riail 144(s) Treorai Oifigiul by failing to notify me of the place, date and time of the Hearing in accordance with Rule 99 Treorai Oifigiul 2007.*
5. *That Coiste Eisteachta Chontae Longfoirt CLG misapplied Riail 111 Treorai Oifigiul 2007 by adjudging that a referee was properly appointed to referee the alleged game at which the alleged incident took place under the said Riail when clear evidence to the contrary was tendered to the Hearing.*
6. *That Coiste Eisteachta Chontae Longfoirt CLG infringed and/or misapplied Riail 25 Treorai Oifigiul 2007 by failing to rule out of order an official document, namely a referees report, which included the name of my Club (Cluain Geis) in the English Language (Clonguish) rather than in the Irish Language as required under the said Riail. I say that no Club bearing the name Clonguish exists.*
7. *That Coiste Eisteachta Chontae Longfoirt CLG infringed Riail 144(dd) Treorai Oifigiul 2007 by failing to record and notify me of their decision and the Rule(s) under which the decision was made as is mandatorily required under the said Riail 144(dd).*

8. *That Coiste Eisteachta Chontae Longfoirt CLG infringed Riail 143(d) Treorai Oifigiul 2007 by purporting to make and notify me of a decision under the said Riail 143(d) when no authority for such a decision is provided for in the said Riail 143(d).*

The reliefs sought by the Claimant in his Appeal to the Disputes Resolution Authority are:-

- A. *A Determination that given the serious consequences of the suspension for [the Claimant], the failure of the Respondents to strictly adhere to disciplinary and other procedures as is required by them in the appropriate manner renders [his] suspension invalid*
- B. *A temporary/interim remedy is sought in the form of a determination by the Disputes Resolution Authority that [the Claimant] is entitled to play for [his] Club Cluain Geis in the Leader Cup Final on Sunday 04 Samhain 2007. If such temporary/interim remedy is not granted or if a hearing to determine the issue at dispute is not held before 04 Samhain 2007, [he] will be denied the right to play in the said game and any subsequent remedy/decision will be of negative value .*

The Claimant was represented by Mel O Cleirigh, Leas Runai, Cumann Cluain Geis who submitted, inter alia, in relation to ground No. 6 that both of the Respondents had infringed Rule 25 of T.O. 2007 by failing to rule out of order the said Referee's Report which referred to the name of the Claimant's Club in the English language as Clonguish and not as Cluain Geis, its name in the Irish language as required by Rule 25.

Rule 25 provides as follows:-

25. *Club Name*

A Club shall not be named after a living person or after any existing political or semi-political organisation. It must bear a name in the Irish language, which must be used in all correspondence and official documents, otherwise these documents shall be ruled out of order.

Mr. O Cleirigh submitted that Rule 25 is clearly expressed in that the use of the Irish name of a Club in all official documents and correspondence is mandatory; that the use of the Irish name of the Club is an absolute requirement in all correspondence and official documents; that the Referee's Report is an official document for the purposes of the Rule.

It was confirmed by both Respondents that the Referee's Report constituted an official document for the purposes of Rule 25.

The Tribunal having considered the submissions made on behalf of the Claimant and by both Respondents on all eight grounds of Appeal has found, in respect of ground No. 6, that the Referee's Report constituted an official document for the purposes of Rule 25 and that both Respondents are in breach of the provisions of Rule 25 in not having ruled the said Referee's Report out of order for having used the English name of the Claimant's Club.

The Tribunal decides:-

1. That the suspension imposed by the Second Named Respondent and affirmed on Appeal by the First Named Respondent is invalid and is to be lifted with immediate effect,
2. That the same Committees of Comhairle Chontae Longfoirt (Competitions Control and Hearings Committees), including the same personnel as originally dealt with the Claimant's case, may deal with the re-processing of the defective documentation by reference to Rule 25 and any result in rehearing that may arise therefrom,
3. That the Claimant having succeeded under ground No. 6 there is no need to address the other seven grounds of Appeal and accordingly no decision is reached on grounds 1 to 5 inclusive and grounds 7 and 8, and,
4. That the expenses of the Disputes Resolution Authority in relation to this arbitration are to be shared equally between both Respondents.

Dated 3rd day of November 2007.

SIGNED:-

Colm MacGeehin
(Chairman)

Declan Hallissey

Damien Maguire