

# **D**isputes **R**esolution **A**uthority

An Córas Eadrána

The Old Toll House,  
Dunshaughlin,  
Co. Meath.

www.sportsdra.ie

Record No: DRA/3/2005

Between:

**LIAM CAULFIELD**

Claimant

-and-

**COISTE CHONTAE NA GAILLIMHE**  
**agus**  
**CÓMHAIRLE CHUIGE CONNACHT**

Respondent

## **DECISION**

### DECISION OF DISPUTES RESOLUTION AUTHORITY

This is a challenge by Liam Caulfield to the decision of Galway County Board and subsequently the Connaught Council of the G.A.A. to suspend him for twenty four weeks pursuant to Rule 140 of the Official Guide 2003.

The substance of Mr. Caulfield's claim is that given the severity of the allegations against him the County Board should have carried out an investigation pursuant to Rule 152 of the Official Guide 2003. The basis of his submission would appear to be that an investigation under Rule 152 would have entitled Mr. Caulfield to present his defence more fully, including the calling of witnesses.

It is accepted by Mr. Caulfield that there is no obligation on the County Board to carry out an investigation under Rule 152. It is common case that while Mr. Caulfield's Club St. Mary's Athenry requested an investigation under Rule 152 that such request was refused. It is also accepted that there was no formal proposal, which was seconded and had the support of the majority of the G.A.C., of Galway County Board to carry out an investigation under Rule 152.

An initial hearing took place before the Galway County Board on the 20<sup>th</sup> June 2005. It is accepted by Mr. Caulfield that by the conclusion of that meeting he had been supplied with

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the full referee's report. Mr. Caulfield did not attend the meeting on the 20<sup>th</sup> June 2005 or at a further meeting on the 27<sup>th</sup> June 2005.

At the meeting on the 27<sup>th</sup> June 2005, Mr. Caulfield was suspended in his absence for twenty four weeks. The reasons he failed to attend were firstly that he was not provided with answers to a series of six questions formulated by his Solicitor and secondly he was deprived of the opportunity to defend himself fully and call witnesses.

With regard to the latter, we are of the view that Mr. Caulfield was acting under a misapprehension. At no point did Mr. Caulfield or his representatives request the opportunity to present witnesses either in correspondence or at the meetings on the 20<sup>th</sup> and 27<sup>th</sup> June 2005. Furthermore, the clear evidence is that had such a request been made, the County Board would have acceded to it. With regard to the letter from Mr. Caulfield's Solicitor, we are of the view that all relevant information sought in that letter was contained within the referee's report and in fact any further information would most properly have been obtained during the course of the disciplinary hearing by questioning witnesses and hearing their evidence.

We are of the view that the Galway County Board acted within their jurisdiction in applying Rule 140 in the manner in which they did. We are also of the view that there was no breach of fair procedures in the manner in which they carried out their hearing and furthermore that the requirements of fair procedures did not require a Rule 152 investigation.

It follows of course that the decision of the Connaught Council cannot be impugned.

This is an unfortunate case. We are aware this decision will have negative consequences for Mr. Caulfield and his Club St. Mary's Athenry which has brought great pride to that town and indeed to the County. It is unfortunate that a misapprehension as to what procedures would apply led to Mr. Caulfield being disciplined without ever fully presenting his defence. However, we cannot allow sentiment to influence our decision and therefore we must refuse Mr. Caulfield's request for relief.

Dated: 22<sup>nd</sup> August 2005

Signed: \_\_\_\_\_  
Rory Mulcahy                      Declan O'Flaherty                      Dr. Mick Loftus

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