

**AN CORAS EADRANA
DISPUTES RESOLUTION AUTHORITY**

**IN THE MATTER OF THE ARBITRATION ACT 2010 AND IN THE MATTER OF
THE DISPUTES RESOLUTION CODE**

CUMANN NA nOG CILL NAILE

CLAIMANT

BORD NA nOG THIOBRAD ARANN THEAS

RESPONDENT

DECISION & AWARD

BACKGROUND

1. The Under 16 Hurlers from the Claimant Cumann Na nOg Cill Naile were disqualified from the 2009 Bord na nOg Thiobrad Arann Theas under 16 hurling championship as a result of which the Claimant requested a hearing from Coiste Eisteachta Thiobrad Arann. The Claimants were successful in their hearing before Coiste Eisteachta Thiobrad Arann on the 9th October 2009 who instructed the Respondent to “re-fix the games in question”.
2. The under 16 matches referred to were not re-fixed and this decision by the Respondent regarding the re-fixing of the outstanding games was appealed to Coiste Eisteachta Thiobrad Arann again who at a hearing on the 11th March 2010 instructed the Respondent to “redress the wrong done to Cumann Na nOg Cill Naile”.
3. A request for arbitration was lodged by the Claimants with the Secretary of the DRA on the 8th July 2010 but no response was filed by the Respondents until the 19th August 2010.
4. The Respondents by letter to the DRA Secretary dated 19th August 2010 set out the grounds on which the Respondents were seeking an extension of time within which to file their response and in this letter the Respondents suggested that the request for arbitration was inappropriately served on the Assistant Secretary of the Respondent who had decided to await confirmation from the DRA that the claim had been forwarded to them, that he had changed his email address and did not receive an email from the Secretary of the DRA confirming that the DRA was awaiting the filing of his response.

PRELIMINARY RULING

The Respondents requested that the Tribunal formally extend time for the delivery of the response. Having heard the submissions of the Respondent and of the Claimant in relation to this matter the Tribunal has decided unanimously not to extend time for the filing of a response. The Respondents were permitted to attend the hearing without a right of audience.

CLAIMANT'S SUBMISSIONS

The Claimants in their request for arbitration at paragraph 9 list the remedy or remedies which they are claiming namely a direction from this Tribunal that the 2009 under 16 Hurling Championship be replayed. The Claimant in their submissions accepted that this relief being sought was now moot as there was no possibility of playing a 2009 under 16 Hurling Championship at this stage. The Claimants presented their detailed submissions to the Tribunal outlining how they felt the Respondents had breached the rules of the Association in failing to implement and apply a decision of a higher committee namely the Tipperary Hearings Committee and requested that this Tribunal direct that a higher committee in the GAA apply a sanction against the officers of the Respondent for their failure to implement the decisions of Tipperary Hearings Committee.

DECISION & AWARD

Having heard the submission of the Claimants this Tribunal finds that the Claimant's request for arbitration seeks relief that cannot be granted. While this Tribunal is satisfied that the Claimant's case is not vexatious, it is moot insofar as the issue of granting a remedy is concerned. The Tribunal finds that the Respondents failed to implement the decision of Tipperary Hearings Committee dated 11th March 2010 but makes no further order. This Tribunal directs that the Respondent discharge the expenses of the DRA in connection with this hearing but makes no order as to costs. This is the unanimous decision of this Tribunal.

Dated this 20th October, 2010

Signed:

David Nohilly, Chairman

Tony Williams

Albert Fallon