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**AN CORAS EADRANA
DISPUTES RESOLUTION AUTHORITY**

DRA 12/2011

IN THE MATTER OF THE ARBITRATION ACT 2010

CUMANN IOMANAIOCHT NA SAIRSEALIGH

CLAIMANT

AND

**COISTE ÉISTEACHTA CLG COISTE COMHAIRLE CONNACHT AGUS CCC
CONTAE NA GAILLIMHE**

RESPONDENTS

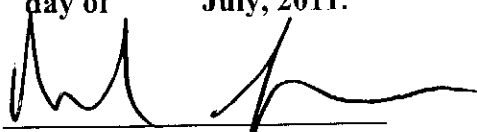
Award

1. Whereas the undersigned were appointed by *An Coras Eadrana* to sit as Arbitrators in the instant dispute between the parties under the rules of the Dispute Resolution Authority (hereafter "DRA") and in accordance with the 2010 Arbitration Act.
2. Whereas a hearing was held at the Hodson Bay Hotel near Athlone, on July 11, 2011 at 8PM, which was attended by the undersigned and representatives of the parties and/or written submissions were made as to the absent respondent's position.
3. Whereas, pursuant to Rule 5.7 of the Disputes Resolution Code, the Arbitral Tribunal expressed by way of a preliminary point its concern as to their jurisdiction to hear the Claimant's appeal in light of the precedent established by previous decisions by An Coras Eadrana such as *Barra O'Searchaigh, Aaron O'hUiginn, Aodhan Gabhann v George McGuigan- Nominee of the Warwickshire GAA County Board* (DRA 30/31 and 32 2005.) and *Eric MacCormaic V Coiste Éisteachta Ceatharloch, Coiste Éisteachta Laighean agus Coiste Éisteachta Achomhairc* (DRA 19/2010).

4. Whereas the aforementioned DRA decision, and subsequent decisions, has established that in failing to properly constitute an appeal against a decision at first instance a Claimant necessarily prevents all avenues of appeal open to it from being exhausted. Therefore, when a party, which has brought a case before the DRA, has not properly prosecuted an appeal to a constituent body of the GAA, it is as if they never appealed and they are therefore barred from raising the issue/s which were the subject matter of the appeal, which was not properly brought, before the DRA.
5. Whereas the Claimant did not dispute that their appeal had been validly ruled out of order by Comhairle Chuige Connacht due to its non compliance with Rial 7.11(d) T.O 2010 in that only one copy of their appeal was furnished to Comhairle Chuige Connacht.
6. The Tribunal herein therefore finds that the instant appeal has to be disallowed as the Claimant has not exhausted all avenues of appeal in respect of the substantive issue in dispute here and therefore the Tribunal has no jurisdiction to hear the matter.
7. Whereas the Claimant has as required lodged a deposit and had not succeeded with their claim the Tribunal can find no reason, having received no submissions on costs, to depart from the legal principle that the costs of the Tribunal be met by the Claimant. This Tribunal therefore directs that the Claimant be refunded that part of their deposit lodged with the Disputes Resolution Authority which is left after the costs of the Award have been met.

Dated this 12th day of July, 2011.

Signed:



Michael Gilroy
Chairperson


Arran Dowling-Hussey B.L.
Patrick J McGrath