

Disputes **R**esolution **A**uthority

An Córas Eadrána

Record No: DRA/14/2006

Between:

BARRY FLYNN (mar ionadaí ar son NAOMH SEOSAMH/BUACHAILLÍ UÍ CHONAILL)

Claimant

-and-

DANNY O'CONNOR (mar ionadaí ar son COISTE RIARACHÁIN NA gCLUICHÍ COISTE ÁTHA CLIATH)

Respondent

INTERIM DECISION

Background

1. The Request for Arbitration in this matter was received by me, as Secretary of the Disputes Resolution Authority, on the morning of 10th March 2006, having been sent by fax on the night of 9th March 2006. I am prepared to accept that the Claim was received on 9th March 2006 notwithstanding the provisions of Section 6 of the Disputes Resolution Code which provides that documents sent by facsimile are deemed received 12 hours later. The Commencement Date of the proceedings for the purposes of Section 2.4 of the Disputes Resolution Code is, therefore, 9th March 2006.
2. The Claimant has sought an Interim Temporary Remedy pursuant to Section 8.1 of the Disputes Resolution Code. The Secretary has power to hear such applications in cases of special urgency under Section 8.3 of the Code. As the Claimant is fixed to play a game tomorrow and as I have not had an opportunity to appoint a Tribunal I am hearing this application. I have shortened the notice requirements for tonight's hearing as permitted by Section 8.3 of the Code.

Declaration

3. The parties are aware that the Secretary of the Claimant club is on the panel of Arbitrators maintained by me and that we both sit of the GAA's Rule Book Task Force. However, neither party has any objection to me hearing this application.

Disputed Decision

"Implementing the Disputes Resolution Code of the GAA"

4. The Claimant in its claim disputes a decision of the Respondent of 2nd March 2006. It says that it became aware that it was graded to play in adult football league division 7 (AFL 7) as a result of an email received on 22nd February 2006. It contends that the purpose of this email was to advise of proposed gradings and to invite comment on them. Subsequent to this, the Claimant made efforts to clarify the reason for its grading as it believed that it should be graded to play in AFL 6.
5. It appears that what occurred on 2nd March 2006 was merely a telephone conversation between the Claimant and the Respondent. There were many other such telephone conversations both before and after 2nd March 2006 and nothing special seems to have turned on the conversation of 2nd March 2006. In any event, the Claimant agrees that as of 22nd February 2006 it was aware that the Dublin GAC had graded it to play in AFL 7 and that this decision did not change.

The Rules

6. Section 2.2 of the Disputes Resolution Code states that
“The Claim shall be notified to the Secretary of The Disputes Resolution Authority as soon as possible after all available appeals within the Rules have been completed, and in any event within 7 days after the last decision, and no Claim shall be entertained after that date, unless the Secretary is satisfied that there is good reason for extending the time.”
Both parties agree that, because of Rule 155 (b) Official Guide 2006, the Claimant had no right to appeal to the Provincial Council. Therefore, the date of the last decision was 22nd February 2006.

Decision

7. That being so, the Request for Arbitration was received outside the 7 day time limit required by Section 2.2 of the Disputes Resolution Code. No application has been made to extend the time limit and, accordingly, the Request for Arbitration cannot be entertained.

Costs and Expenses

8. As the Respondent has not sought payment of its costs, I make no order in this regard.
9. I direct that the expenses of the Disputes Resolution Authority in relation to this Request for Arbitration be borne by the Claimant. Such expenses are to be deducted from the deposit of €500 lodged with the Claim and any excess is to be returned to the Claimant. In the event that the expenses exceed €500, then the balance shall be paid by the Claimant.

Dated the 11th day of March 2006.

Signed _____
Liam Keane
Secretary DRA

“Implementing the Disputes Resolution Code of the GAA”