

**DECISION OF THE DISPUTE RESOLUTIONS AUTHORITY DATED
18th Day of September 2013
DRA 16/2013**

Between

COISTE CHONTAE LUIMNEACH

Claimant

V

AN LAR CHOISTE ACHOMHAIRC

&

AN LAR CHOISTE CHEANNAIS na gCOMORTAISÍ

Respondents

DRAFT

We, the undersigned, have found as follows:

Background

1. The within matter arises out of an incident which occurred during the All Ireland Minor Hurling Semi-Final between Limerick and Galway at Croke Park on the 18th August. The match ended, after extra-time had been played, in a three point victory for Galway, by a score of 0-23 to 0-20. The sides, obviously enough, were level after ordinary time. This dispute arises because a point was scored (or not scored) by Limerick, or recorded (or not recorded) by the referee during ordinary time.
2. In the early seconds of the match the Claimant contends that the Limerick team scored a point. The point was initially awarded by the referee and his umpires. However, the referee was shortly thereafter contacted by the official operating the "Hawkeye" technology and advised that a review of the incident was required. The review of the incident appeared to show that the sliotar had

passed between the posts. Indeed the subsequent Hawkeye Report stated that the review animation “*displayed the track of the sliotar passing clearly between the posts*”. However, the “Hawkeye” system indicated that there had been a “miss”.

3. The “Hawkeye” technology was not used during extra-time of the minor semi-final. Nor was it used during the senior semi-final which took place later that day.
4. By letter dated 21st August 2013 the Claimant County Board lodged an Objection to the award of the game to Galway. The Objection was made to the second Respondent and it cited a breach of Riall 7(10)(n) of the Official Guide (Part 1). Specifically the Claimant objected that “*a score allowed by the referee was not recorded by him or that a score was incorrectly recorded by him thereby affecting the result of the game*”.
5. A hearing took place on the 22nd August 2013. By written decision dated 23rd August the second Respondent found that it was precluded from hearing the Claimant’s Objection on the basis that their objection was not, as contended, about the failure to record a score, or to incorrectly record a score, but rather that it was an objection about a failure to allow/award a score.
6. Since Riall 7(10)(n) is central to the within application it warrants that it be cited in full:

“An Objection or Counter-Objection may only be upheld on the grounds that (i) that an Infraction has been committed rendering the Defending Party liable to the penalty of Forfeiture, with Award of the Game to the Objector; or (ii) that a score allowed by the referee was not recorded by him or that a score was incorrectly recorded by him, thereby affecting the result of the Game; however no Objection or Counter-Objection may be submitted on grounds that a referee had incorrectly allowed or failed to allow a score”.
7. It was accepted by both parties that sub-clause (i) of Riall 7.10(n) had no relevance to the Tribunal’s deliberations.
8. By e-mail dated 25th August 2013 the Claimant submitted its appeal to the first Respondent against the decision of the second Respondent. The Claimant argued that the second Respondent had erred in finding that it was precluded from hearing the Claimant’s Objection at first instance. The Claimant disputed the categorisation of its Objection as one which related to a failure by the referee to allow a score. The Appeal argued that there was and continued to be substance to the Claimant’s Objection, namely that this was a dispute which related either to a failure to record a score, or to incorrectly record a score.
9. The first Respondent provided a written decision dated 26th August 2013 and determined that the second Respondent had been “*correct in deciding that it was precluded from considering the Objection by the Appellant (the Claimant*

herein) to the awarding of the All-Ireland Minor Hurling Semi-Final game to Gaillimh”

10. It is in respect of that decision of the first Respondent, and the earlier decision of the second Respondent, that the within application is made. A hearing before this division of the Authority was fixed for the Tullamore Court Hotel on Monday 2nd September 2013. In attendance were representatives of the Claimant County Board, representatives of both Respondents and representatives of the Galway County Board.

CLAIMANT’S CASE

11. The nature and essence of the Claimant’s claim is that a score was allowed by the Referee after approximately twenty seconds of the semi-final match. That that score was not recorded by him. That the failure to record that score materially affected on the result of the game.
12. Central to the Claimant’s case is the protocol which attaches to the use of the Hawkeye system. The Claimant argues that the discretion of the referee to award or not award a score was usurped in this instance. It argues that once the Hawkeye system had been utilised and a direction given or a decision made, that the referee was thereafter bound to accept that direction or decision. The Claimant argues that their objection could not have been, and was not, an Objection to the referee’s failure to allow a score since it was not he who in fact failed to allow the score.

THE RESPONDENTS’ CASE

13. The Respondent presented a joint position. Their arguments can broadly be summarised as follows:
14. That sub-clause (ii) of Riall 7(10)(n) is the only basis upon which the Claimant could validly object – this is accepted by the Claimant. That Sub-clause (ii) relates to instances where there has been either a clerical or accounting error by the referee in his recording or totalling of the scores. The Respondents argue that no such clerical or accounting error arises here and that this is, whatever way it is dressed up, an Objection about a failure to allow/award a score. Moreover, the Respondents highlight that in this application it falls upon the Claimant to show that the findings made by the Respondents were irrational and/or had no basis and/or were unsupported by the evidence. It is argued that the Claimant has not made out this case.
15. The Respondents further argue that at all times the referee remained the ultimate arbiter of fact in relation to matters which arose during the course of the game. The Respondents refer to Riall 1.1 of Part 2 of the Official Guide. It is argued that nothing in the protocol governing the use of the Hawkeye technology usurped that function and that the decision to award or not to award the score remained at all times with the referee.

16. Thirdly the Respondents argue that given that the Hawkeye technology clearly malfunctioned on the day in question, that any animation which displayed the sliotar passing between the posts must itself be regarded as unreliable. The Respondents do not accept that there is clear evidence that a point was in fact scored.

FINDINGS

17. The Tribunal finds that the scope of any Objection pursuant to Riall 7(10)(n) is a limited one. It is clear that the Claimant's Objection could only be upheld if *"(ii) a score allowed by the referee was not recorded by him or a score was incorrectly recorded by him, thereby affecting the result of the Game"*.
18. The Tribunal is of the view that Riall 7(10)(n) seeks to deal with circumstances where a referee has made an accounting or clerical error in his recording of the scores – for example, where he counts as a score a shot which was signalled wide, or where he fails to make note of a score actually given.
19. The Tribunal has been referred to a clarification provided by the referee of the match, Fergal Horgan. In an e-mail dated 21st August 2013 Mr Horgan wrote *"I did not allow the score"*. Elsewhere he writes *"I ...recorded the score from Barry Nash in the first minute and only changed this decision on the intervention of the review official..."*.
20. It is unclear from this e-mail whether Mr Horgan believed he had power/ discretion to overrule Hawkeye/Review Official. What is clear, however, is that a) he did not allow a score and b) that he accurately recorded what scores were allowed. The Respondents had this evidence before them when making their decisions.
21. The Tribunal cannot accept that there was insufficient evidence or basis to enable the Respondents to reach the decisions they arrived at. That being the case, and given the very limited scope of the Tribunal's jurisdictions, we find no reason to set aside or quash the decisions made by either Respondent.

DETERMINATION

22. The Tribunal refuses to grant the reliefs sought by the Claimant.
23. The Tribunal directs that the Claimant shall pay the Tribunal's expenses. There is no order for costs.

Aaron Shearer
Brian Rennick
John Fay