

DISPUTES RESOLUTION AUTHORITY

DRA/17/2006

RUAIRI O'DONGHAILE

CLAIMANT

-and-

AN LÁR CHOISTE SMACHTA

RESPONDENT

**DECISION ON COSTS AND DECISION ON THE EXPENSES OF THE
DISPUTES RESOLUTION AUTHORITY**

By a majority decision of the Disputes Resolution Authority dated the 12th day of July, 2006 the Tribunal refused the reliefs sought by the Claimant on the grounds set out in it's determination.

The Tribunal invited submissions in writing as to any application for costs by either party.

Having received submissions from both parties and having closely considered both submissions, the Tribunal (by a majority) finds that the unsuccessful Claimant should pay the costs of the Central Disciplinary Committee.

The general rule is that the unsuccessful party should pay the costs of the successful party. Costs should follow the event save in exceptional or special circumstances. We can see no reason why this general rule should be departed from. There are no exceptional or special circumstances which would justify departure from this general rule in the present case.

Accordingly, the Claimant must pay the costs of the successful party together with the expenses of the Disputes Resolution Authority. Should the parties elect, then at their request the Tribunal may measure such costs.

Dated this 11th day of April, 2007.

Signed:
Lorcan Connolly (Chairman)

Signed:
Patrick McGrath

Signed.....
Cathal Minihane.