

Disputes Resolution Authority

An Coras Eadrana

IN THE MATTER OF THE ARBITRATION ACTS 1954 AND 1980

Record No. DRA/21/22/2006

Between:

DANNY DOOGUE

Claimant

-and-

**NIALL HANDY AND BRIAN ALLEN (as nominees on behalf of G A C Laois CLG)
AND LIAM O'NEILL AND MICHAEL DELANEY
(as nominees on behalf of Coisde Bainisti Laighean CLG)**

Respondents

Between:

**JAMES HURLEY AND MICHEAL BOLTON
(as nominees on behalf of CLG Graugcuillen)**

Claimant

-and-

**NIALL HANDY AND BRIAN ALLEN (as nominees on behalf of G A C Laois CLG)
AND LIAM O'NEILL AND MICHAEL DELANEY
(as nominees on behalf of Coiste Bainisti Laighean CLG)**

Respondents

DECISION AND AWARD

BACKGROUND:

1. This claim arises out of the decision of Laois GAC ("the first respondent") to suspend Danny Doogue ("the first claimant") and fine Graigeccullen GAA Club ("the second claimant") as a result of alleged incidents at the conclusion of the Laois Senior Football Championship game between the second claimant and Ballylinan on the 14th May 2006. The first claimant is a member of the second claimant.
2. On the 6th June 2006 the first claimant was suspended for 48 weeks under Rule 142 (1)(A) of the Official Guide 2006 ("Rule 142(1)(A)") and the second claimant was fined €1,000.00 in accordance with Rule 144 of the Official Guide 2006 ("Rule 144").

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3. Both claimants appealed these decisions to the Leinster Council (“the second respondent”) on the 27th June 2006. That Appeal was not upheld. Both claimants submitted claims in writing to the secretary of the Disputes Resolution Authority (“the DRA”) on the 4th July 2006.

PRELIMINARY:

4. The first respondent did not attend the hearing of the Tribunal but delivered a written submission dated the 4th August 2006 delivered by fax on the 5th August 2006. Neither of the claimants nor the second respondent have an objection and in the circumstances the Tribunal extends time for delivery of that reply under Section 7.1 of the Disputes Resolution Code.
5. The second respondent who was represented at the hearing delivered a written submission to the Tribunal on the evening of the hearing. The claimants again having no objection, the Tribunal extended time for delivery of that submission under Section 7.1 of the Disputes Resolution Code.
6. The Tribunal notes it was very unfortunate indeed that nobody from the first respondent was present at the hearing on the 7th August 2006. The Tribunal find it particularly unfortunate and unsatisfactory in circumstances where a representative of the second respondent cut short his holidays in order to attend the meeting.

THE CLAIM:

7. In submitting their request for arbitration to the secretary of the DRA, both claimants allege that Rule 61(ii) of the Official Guide 2006 (“Rule 61 (ii)”) and Rule 110 (“Rule 110”) of the Official Guide 2006 had been breached when the Referee’s Administrator chaired a meeting of the first respondent on the 6th June 2006 and then represented the first respondent at an Appeal hearing before the second respondent on the 27th June 2006. In addition, in oral submissions to the Tribunal, both claimants highlighted what they regarded as a “clear line of bias” against them in the handling of the matters giving rise to this claim by the first respondent. Specifically, they allege that the claimants were not allowed to call witnesses in their Defence at the meetings held by the first respondent. They also refer to the meeting of the first respondent of the 1st June 2006 when the Chairman and secretary of another Club (one of whom was the linesman at the fixture) according to the first respondents minutes, “outlined their version of events”. This version of events was heard in private and was subsequently put to the representatives of the claimants. The claimants also highlighted various inaccuracies in Referee’s report.

8. In relation to the case against the second respondent, they repeat that the Referee's Administrator of the first claimant represented the Laois County Board before the second respondent. In addition, the claimants state that they were not allowed introduce Rule 61 (ii) and Rule 110 at the hearing of the Appeal before the second respondent.

RELEVANT RULES:

Rule 61

- (ii) *“County Games Administration Committee – which shall be responsible for all arrangements, for control of, and any matters arising from Games under the jurisdiction of the County Committee. Membership of this Committee shall be appointed from members of the County Committee and/or other suitable personnel, together with the County Referees’ Administrator, who shall be entitled to vote only on the appointment of Referees”.*

Rule 110

“Appointment of Match Officials – The Central Council, Provincial Council (subject to the provision of Rules 72 (a)(ii) and 92 (b) and the County Committee shall have the absolute power to appoint the match officials for all games under their respective jurisdictions. The Council or Committee may delegate those powers to a Sub-Committee, or in the case of the appointment of Umpires and Linesmen to the Referee. Their respective Referees’ Administrators at County and Provincial levels shall be a member of the Committee responsible for the appointment of Referees at these levels. He shall not be entitled to discuss any other business or to vote on it, other than for the appointment of Referees”.

FIRST RESPONDENTS REPLY:

9. In a written submission to the Tribunal dated the 4th August 2006 the first respondent states *inter alia*;
- (i) The Referee's Administrator “in his role as Laois GAA Vice Chairman acted as Chairman” at meetings of the first respondent “in the enforced absence of Laois GAA and GAC Chairman Dick Miller whose own Club was involved in Referee's report”.
- (ii) The Rules alleged to have been infringed by the claimants allow the Referee's Administrator to be present at these meetings but “stipulates he is only entitled to vote on the appointment of Referees”.

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(iii) The decisions to suspend the first claimant and fine the second claimant were “unanimous decisions of other members of the GAC present and there was no vote taken”.

10. The first respondent also argues that the claimants did not include Rule 61 (ii) and Rule 110 in their Appeal to the second respondent and suggest although it is not explicitly stated that in those circumstances they have not “exhausted all avenues of Appeal”.

SECOND RESPONDENTS REPLY:

11. In a written submission to the Tribunal dated the 7th August 2006 the second respondent states that it “carried out its duties as an appellant body under GAA Rules” (*sic*). The submission goes on to say that the second respondent “dealt with the Appeal as presented in written form and made their decision on the case as presented in that written document”. In oral submissions to this Tribunal the second respondent specifically relied upon their letter to the claimants dated the 20th June 2006 in which it is clearly stated that the Appeal would “only deal with the Rules alleged to have been infringed or misapplied as per your Appeal. Other Rules cannot be introduced at this stage...”.

FINDINGS AND DIRECTIONS:

12. Having considered the written submissions on behalf of all the parties and the oral submissions provided by the claimants and the second respondent before this Tribunal, it is the unanimous view of the Tribunal that the procedures adopted by the first respondent in dealing with the alleged matters giving rise to the within claim were in breach of GAA Rules and further were improper and unfair in the following respects;

(i) The Referee’s Administrator chaired a meeting of Laois GAC on the 6th June 2006 in breach of Rule 110. The first respondent accepts this occurred but would point out that there was no vote taken at the meeting and state that Rule 61 (ii) and Rule 110 provide that the Referee’s Administrator is “only entitled to vote on the appointment of Referees”. In actual fact, Rule 110 goes much further. It states that the Referee’s Administrator “shall not be entitled to discuss any other business or to vote on it, other than for the appointment of Referees” (emphasis added). It is inconceivable that in chairing a meeting the Referee’s Administrator could not be deemed to have discussed the matter. In those circumstances, the Tribunal finds that there was a clear breach of Rule 110 in allowing the Referee’s Administrator chair a meeting of the first respondent on the 6th June 2006.

(ii) Neither of the claimants were allowed to call witnesses to give evidence on their behalf before the first respondent. The first claimant was ultimately suspended in accordance with Rule 142 (1)(A) which is one of the most serious offences under GAA Rules. In addition, the second claimant was fined €1,000.00 under Rule 144 which is a general catch all rule dealing with “conduct considered to have discredited the Association”. In view of the severity of the charges against the claimants, the Tribunal is satisfied that the claimants should have been afforded an opportunity to present witnesses in their defence. In that regard, the Tribunal relies on the views expressed His Honour Judge Bryan McMahon at Trim Circuit Court in the case **Barry and Rogers –v- Ginnity & Others, Circuit Court, 13th August 2005** *“The law will demand a level of fair procedures which is sufficient in all circumstances to ensure justice for the player or member affected by the decision. The more serious the consequences the higher the standard that will be required”*.

13. In relation to the second respondent, this Tribunal makes no finding. The second respondent wrote to the claimants before the hearing of the claimants Appeal in very clear and unambiguous terms advising the claimants that the second respondent could only deal with “Rules alleged to have been infringed or misapplied” in the claimants written Appeal. At the Tribunal hearing, the claimants themselves acknowledged that it was possible under GAA Rules for the Referee’s Administrator to attend the Appeal hearing before the second respondent in his capacity as Vice Chairman of Laois GAA County Board.
14. In the circumstances, the Tribunal directs pursuant to Section 11.3 of the Disputes Resolution Code that the first respondent as a matter of urgency carry out a full investigation under Rule 156 of the Official Guide 2006 into the incidents which resulted in the alleged striking of the linesman and the alleged injury sustained by the first claimant at the conclusion of the Laois Senior Football Championship game between the second claimant and Ballylinan on the 14th May 2006.
15. As the Tribunal has deemed the procedures adopted were unfair and were in breach of Rule, the suspension of the first claimant and the fine imposed on the second claimant are set aside pending the outcome of the disciplinary proceedings which are still in being. Consequently, the first claimant is still ineligible to play pending the outcome of that investigation pursuant to Rule 142 (2)(i) of the Official Guide 2006. As a result, the Tribunal directs that no senior football championship game involving the second claimant shall be played pending the outcome of investigations referred to above.

COSTS:

16. The Tribunal notes that none of the parties present at the hearing wish to make an application in respect of their costs. In the circumstances, the Tribunal directs that the first respondent shall be responsible for the costs of the Disputes Resolution Authority.

Signed:

Declan O'Flaherty
Chairman

Oliver Shanley

Albert Fallon

Dated at Mullingar on the 7th day of August 2006

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