

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

An C6ras Eadr6ana

Record No: DRA/22/2005

Between:

Enda Norton

Claimant

-and-

Dick Miller and Niall Handy as nominees for and on behalf of CLG Laoise

Respondent

DECISION RE. COSTS AND EXPENSES

On 21st October 2005 an application for interim temporary remedies was dealt with by the Secretary of the DRA pursuant to Section 8 of the Disputes Resolution Code. Following a hearing on that date, an interim remedy was granted to the Claimant in terms suggested by the Respondent during the course of that hearing. The Decision of the Respondent which was being challenged by the Claimant in these proceedings was subsequently dealt with by Comhairle Laighean by way of an Appeal by the Claimant on Wednesday 26th October 2005. Both parties now accept that the dispute, the subject of the within proceedings, is now at an end. The Claimant subsequently submitted a claim to the DRA challenging the Decision of Comhairle Laighean. However, he has decided not to pursue this dispute.

On 27th October 2005 I sought submissions from the parties in relation to:

1. Costs
2. DRA Expenses

I received submissions from the Respondent wherein they seek an Order directing that the Claimant discharge all costs and expenses in relation to this matter on that grounds that

- (a) The Claimant initiated DRA proceedings challenging their decision, which decision was subsequently upheld by Comhairle Laighean.
- (b) The Respondent cooperated fully in facilitating a hearing at short notice and
- (c) The Respondent postponed a game which was due to take place on 22nd October 2005 and this action will have the effect of delaying the completion of its fixture schedule for the year.

I received no submission from the Claimant.

"Implementing the Disputes Resolution Code of the GAA"

Where a Claimant brings an application for an interim remedy under the Disputes Resolution Code, he must accept the consequences of a failure to succeed in the substantive proceedings. In this case, the Respondent's decision has been upheld by Comhairle Laighean, being the relevant appellate body within the GAA and that decision is not being challenged by the Claimant. Accordingly, I am satisfied that all expenses of the DRA in connection with the Arbitration of this dispute should be borne by the Claimant. I have received no specific submission from the Respondent in relation to costs and, accordingly, I make no order in that regard. However, had such an application been made, I am satisfied that it would have been an appropriate case in which to grant an order for costs against the Claimant.

Dated the 25th day of November 2005

Liam Keane
Secretary DRA