

Disputes Resolution Authority

DRA 23/2005

Joe Ryan and Gerard Moloney
(mar ionadaithe ar son Cumann Sean Mac Diarmada Creachmhaoil)

Claimants

-and-

Bernard O'Connor and Frank Buke
(as nominees for and on behalf of Galway G.A.C.)

Respondents

Preliminary Decision

The Respondents have made a submission to the Tribunal that under Rule 151(b) of The Official Guide the Claimant is entitled to one Appeal of the decision of the Respondent. It is submitted that this Appeal was the Claimants Appeal to Comhairle Cuige Chonnacht.

It is accepted that the Claimant was notified of the decision of Comhairle Cuige Chonnacht by receipt of a letter on the 5th October 2005. Accordingly in accordance with the DRA Code it is submitted that the Claimants Request for Arbitration should have been submitted within 7 days of that date and that the matter should not therefore proceed on the basis of this delay.

The Claimants Response is that upon receipt of the letter from Comhairle Cuige Chonnacht a representative of the Claimant Club contacted Mr. Daly in Croke Park and was advised that the Applicant Club should not proceed to the DRA as the proper course of action was to proceed with an Appeal to Central Council; that the matter could not be accepted by the DRA as the Appeals procedure had not been exhausted. An Appeal was duly submitted to Central Council dated 6th October and this Appeal was rejected by letter dated 10th October, which was received on October 13th.

The Request for Arbitration dated the 18th October was received on the 20th October and the Applicants submit that this is within the Disputes Resolution Code time limit.

It falls to this Tribunal to decide as a Preliminary Issue as to whether or not the Claimants Request for Arbitration has been submitted to the DRA within the time limit provided in the Disputes Resolution Code.

It is this Tribunal's Finding that the Secretary of the DRA received the Claimants Request for Arbitration on the 20th October. Under Section 2.2 of the Code it is provided that "no claim shall be entertained after that date (i.e. 7 days from the last decision) unless the Secretary is satisfied that there is good reason for extending the time." It is therefore the case that the

"Implementing the Disputes Resolution Code of the GAA"

Secretary accepted this Request and was obviously satisfied that there was good reason for extending time.

The Respondents were invited to submit their Response to the Claimants case. It was up to the Respondent therefore to Appeal this decision of the Secretary and/or to include this in their written Response. Had this been done then the Secretary would have had to clarify to the Respondent the reasons for his decision and this issue would then be determined by the Tribunal on the basis of the Submission of the Respondent; the reasons proffered by the Secretary and the Submissions of the Claimant on this point.

The Respondents did not do so and as a consequence the Claimants have effectively been ambushed on this point and none of the parties to these proceedings have the benefit of the reasons of the Secretary.

The issue should properly therefore lie before this Tribunal as an Appeal of the Secretary's decision. It has not been brought as such.

Accordingly the Tribunal rejects the submission of the Respondent and confirm the decision of the Secretary under Section 2.2.

Brian Rennick (Chairman)
Niall Cunningham
Michael Loftus

2nd November 2005