

**DISPUTES RESOLUTION AUTHORITY
D.R.A./26/2005**

IN THE MATTER OF THE ARBITRATION ACTS

**AND IN THE MATTER OF THE DISPUTES RESOLUTION CODE OF
THE GAELIC ATHLETIC ASSOCIATION**

AND IN THE MATTER OF AN ARBITRATION BETWEEN

**John McCaffrey and David Billings and Donal Howlin
(mar Ionadaithe ar son U.C.D. G.A.A.Club)**

CLAIMANTS

-AND-

**Pat Daly
(mar ionadai ar son Central Appeals Committee)**

RESPONDENTS

PRELIMINARY RULING

Background:

- 1.1. The Claimant is a student attending U.C.D. where he is taking the Diploma Course in Sports Management. The Claimant has been ruled as being ineligible to play with U.C.D. G.A.A.Club under Rule 30 of the Constitution of An Comhairle Ard Oideachais on the grounds that the Course “does not meet the CA criteria of eligibility”.
- 1.2. This decision was appealed to the Central Appeals Committee who on the 9th November 2005 upheld the decision of An Comhairle Ard Oideachais.
- 1.3. The claimants submitted a Request for Arbitration to the D.R.A. on the 11TH November 2005. A preliminary hearing was scheduled for the 6th December2005. The Respondents submitted their Response on the 6th December 2005.
- 1.4. On the 18th November 2005 An Comhairle Ard Oideachais applied to the Secretary of the D.R.A. to be joined as a Co-Respondent.

Preliminary Applications:

- 2.1. There was no objection to the Application to join An Comhairle Ard Oideachais as a Co-Respondent .
- 2.2. The Claimants objected to the late filing of the Response by the Respondents as while it had been received by the Secretary of the D.R.A. by fax on the 6th December it had not in fact been received by the Claimants until they appeared at the hearing. It was submitted that the time limits provided for should be strictly applied. The Respondents did not offer any explanation to the late delivery of their Response and tendered their apology to the Claimants and to the Tribunal, and applied for an extension of time pursuant to Section 3 of the Disputes Resolution Code.

Decision: 1. Co-Respondent.

- 3.1. The Tribunal considered the fact that there was no objection to the application by An Comhairle Ard Oideachais to be joined as a Co-Respondent. The Tribunal further considered the facts of this case as set out in the Claimants Request for Arbitration and identified a number of material issues which it considered could only be fully and properly elucidated with the participation of An Comhairle Ard Oideachais. The Tribunal is of the opinion that their involvement in the proceedings would be of substantial assistance to the proper resolution of the dispute. Accordingly it is ordered that An Comhairle Ard Oideachais be joined as a Co-Respondent in the Arbitration proceedings subject to directions as to the delivery of and exchange of written submissions.

2. Extension of time.

- 3.2. The Tribunal considered that the Claimants could not show any prejudice by the fact that the Respondents had delivered their Response outside of the permitted time. This is particularly so given the fact that the Claimants had no objection to An Comhairle Ard Oideachais being joined as Co-Respondent to the proceedings and given that if the Tribunal so joined them they would have to be given time to prepare and deliver their Response to the Claimants claim in such instance that Claimants would be afforded sufficient time to fully consider the Response of the Respondents and to deal with it at the hearing of the substantive issue. Accordingly this Tribunal orders that pursuant to Section 7(1) of the Disputes Resolution Code the time limit under Section 3 is extended to the 6th December 2005.
- 3.3 The Tribunal however considers that it is necessary for the proper and expeditious conduct of proceedings that it is imperative that the time limits set out in the Disputes Resolution Code are adhered to. Having regard to the fact that no explanation was forthcoming from the Respondents as to the late delivery of their Response this Tribunal directs that the Respondents shall bear the expenses of the

D.R.A. for tonight's hearing as certified by the Secretary together with the costs of the Claimants in relation to tonight's hearing, as certified by the Secretary.

Dated this 6th Day of December 2005.

Brian Rennick

Dara Byrne

John Mc Connell