

Disputes Resolution Authority.

An Córas Eadrána

In the Matter of the Arbitration Act 1954 and 1980

Record No: 30/2006

Between:

Naomh Seosamh-Buachaillí Uí Chonail C.L.G.

Claimant

And

Comhairle Laighean C.L.G.

Respondent.

DECISION.

1. This is an application brought by the Claimant appealing a Decision of the Respondent on the 11th day of October, 2006.
The basis of the appeal is:-
 - (a) that there was evidence of a Rule misapplication;
 - (b) that there was a breach of fair procedure and natural justice by the Respondent.
2. A request for arbitration dated the 17th day of October, 2006 was lodged with the DRA on the 18th October, 2006.
3. The matter came before the Tribunal for hearing at The Castleknock Hotel, Castleknock, Dublin 15 on the 1st day of November, 2006. The Claimant was represented by Mr. Barry Flynn and the Respondent was represented by Mr. Pat Toner.
4. The background to the matter was outlined in evidence by Mr. Flynn who stated that the matter arose from a Dublin Junior B Championship match played against Ballymun Kickhams on the 11th June, 2006. The match was abandoned by the referee in the

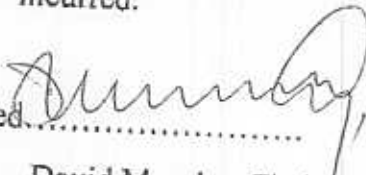
52nd minute. Both Clubs were charged pursuant to Rule 144 of the Official Guide (2006) for "conduct considered to have discredited the Association". The Claimants sought a full hearing with Coiste Smachta Átha Cliath and same was heard on the 19th July, 2006. The Claimants claimed that they should have been charged under Rule 143 of the Official Guide (2006) and further demanded that Coiste Smachta Átha Cliath should clarify certain matters with the match referee prior to the hearing. Coiste Smachta Átha Cliath appear to have indicated that they would consider seeking clarification if they felt it necessary following upon the hearing of the matter. However, the Claimants were not satisfied with this Ruling and the Claimants stated that they withdrew from the proceedings because of a lack of clarification on the referee's report. The Tribunal are satisfied that the Claimants walked out of the Coiste Smachta Átha Cliath hearing and a decision to disqualify them and fine them €1,000 was made in their absence on the 19th July, 2006.

5. An appeal to the Respondent against the decision of Coiste Smachan Átha Cliath was lodged on the 26th July, 2006. At a hearing on the 11th October, 2006 the Respondent rejected the Claimant's appeal in accordance with Rule 155 (h) of the Official Guide (2006) which states "an appeal shall not be upheld unless there is a clear infringement or misapplication".
6. The Tribunal heard evidence from the Claimants as outlined above and throughout the hearing various documents were presented to the Tribunal. It stated that its view was that the only matter at issue to be decided was whether or not there had been a misapplication of a rule. The Respondents stated that at

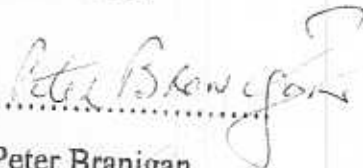
their hearing they were of the view that there had been no infringement or misapplication of a Rule.

7. Having given their evidence the parties were requested to leave the hearing from a short period while the Tribunal considered the submissions. Having considered the submissions of both parties and having reviewed the documentation (such as it was) submitted to the Tribunal, the Tribunal decided that:-

- (a) there had been no misapplication of a Rule by the Respondent and in particular no misapplication of Rule 144;
- (b) That there had been no breach of fair procedure or natural justice by the respondent.
- (c) That the Claimants be liable for the costs and expenses incurred.

Signed 
David Murphy, Chairman

Signed 
Pat Purcell

Signed 
Peter Branigan.