

IN THE MATTER OF THE ARBITRATION ACTS 1954 AND 1980

**BRIAN COLOHAN
AS NOMINEE OF BIRR GAA CLUB**

CLAIMANT

-AND-

**OLIVER DALY
AS NOMINEE OF OFFALY COUNTY BOARD**

**LIAM O'NEILL
AS NOMINEE OF LEINSTER COUNCIL**

**DES O'BRIEN
AS NOMINEE OF CRINKLE GAA CLUB**

RESPONDENTS

1. This claim is by way of challenge to a decision of the First Named Respondent made on the 2nd day of August 2005.
2. The Third Named Respondent has submitted to the Tribunal arising out of oral evidence given by four witnesses for the Claimant that this Tribunal does not have jurisdiction to hear this dispute. Rule 158 (iv) of the Official Guide 2006 and Section 2 (i)(e) of the Disputes Resolution Code are cited by the Third Named Respondent in support of their argument.

Rule 158 (iv) of the Official Guide 2006 states that "no member or unit of the association shall refer such dispute to Dispute Resolution until all available avenues of appeal under the rules of the association has been exhausted".

Section 2 (i) (e) of the Disputes Resolution Code states that "any party to a dispute governed by this code who seeks a determination ("the Claimant") must submit to the Secretary of the Disputes Resolution Authority a written request for Dispute Resolution proceedings ("the Claim") containing the following details:-

- (e) Confirmation that all available avenues of appeal under the Official Guide have been exhausted"

3. The request for Arbitration dated the 16th December 2005 stated as follows:-
"I/We hereby confirm that I/We have exhausted all avenues of appeal under the Official Guide.
I/We hereby certify that the facts stated above are true and I/We acknowledge that if any of these facts is proved to be false, my/our claim may be dismissed immediately without any further consideration".

It is clear from the sworn evidence given on behalf of the Claimant that the decision of the First Named Respondent of the 2nd August 2005 was not appealed to Leinster Council the Second Named Respondent.

4. Having heard the sworn evidence and the submissions of all parties it is the unanimous decision of this Tribunal that the Claimant did not exhaust all available avenues of appeal under the Rules of the association before referring this dispute to the Disputes Resolution Authority.
5. This Tribunal therefore rules that it has no jurisdiction to hear this dispute.

Dated this 19th day of April 2006.

At Mullingar Park Hotel, Marlinstown, Mullingar, Co. Westmeath

Signed:- Matt Shaw (Chairman)
David Nohilly
Kevin Heffernan

Ruling on Costs

There being no application by any party to this dispute for costs; no costs are awarded. The Tribunal directs that the expenses of the Tribunal be borne by the Claimant.

Dated 19th day of April 2006

Signed:- Matt Shaw (Chairman)
David Nohilly
Kevin Heffernan