

DISPUTE RESOLUTION AUTHORITY

RECORD NO. DRA/4/2008

**IN THE MATTER OF THE ARBITRATION ACTS 1954 – 1998 AND IN THE
MATTER OF AN ARBITRATION BETWEEN**

**MAIRÉAD NÍ DHÚILL (MAR IONADAÍ AR SON
COISTE CHONTAE LOCH GARMAN)**

-V-

**TREASA NÍ RAGHAILL (MAR IONADAÍ AR SON LÁR CHOISTE
CHEANNAIS NA GCOMÓRTAISÍ) & SEÁN Ó HUAINÉ (MAR IONADAÍ AR
SON AN LÁR CHOISTE ACHOMHAIRC)**

DECISION AS TO COSTS

1. Pursuant to the code of the Dispute Resolution Authority this tribunal has power to determine all issues as to costs arising from the arbitration hearing herein held on the 24th day of April 2008.
2. The tribunal in reaching its decision on the substantive issue on the 24th April 2008 found that the claimant had not exhausted all rights of appeal under the official guide before applying to the DRA. Therefore the claimants claim for relief was refused.
3. Submissions were sought from the claimant and respondent regarding the issue of costs. On behalf of the claimant Mr Fergal Logan submitted that the respondents had failed to furnish documents to the claimants despite indicating in their response to the request for arbitration that they would produce these documents. Mr Logan also submitted that the request for a hearing on a preliminary issue was raised by the respondents late in the day. He further submitted that the exceptional circumstances applied in this case which arose from the unique event of players in another county withdrawing their services from that County's hurling and football panel. He submitted that it would be unduly harsh in the particular circumstances of this case to award costs against the claimant.

On behalf of the Respondents Mr. Larry Fenlon submitted that the costs of the case should follow the event and that the costs and expenses should be awarded against the Claimants in this case.

4. Having heard the submissions of the Claimants and Respondents in relation to the issue of costs the decision of this Tribunal is as follows:~
- a. This Tribunal directs that each party to this hearing shall bear their own legal costs.
 - b. The €1,000.00 deposit paid by the Claimant pursuant to Clause 2.3 of the Code of the DRA shall be applied by the Secretary of the DRA towards the expenses of the DRA in relation to this hearing and any additional expenses incurred by the DRA in relation to the hearing on the 24th April 2008 shall be borne by the Claimants.

This is the unanimous decision of this Tribunal.

Signed: _____
Matt Shaw, Chairman

Signed: _____
Richella Carpenter BL

Signed: _____
Jarlath Burns