

Disputes **R**esolution **A**uthority

Record No: DRA/4/2005

Between:

RYAN MC MENAMIN

Claimant

-and-

CONCHÚR Ó hÓGÁIN
(mar ionadaí ar son an Lár Choiste Smachta)

Respondents

DECISION

This is a claim by Ryan Mc Menamin against the ruling of the Central Disciplinary Committee disbarring him from playing for four weeks (to date from 23rd July 2005) in respect of an incident in the Ulster Football Final played on that date between his team, Tyrone, and Armagh.

Mr. Mc Menamin formulated his claim as follows:

“On Wednesday 3rd August I was suspended for a period of four weeks by the CDC for dangerous play, on the basis of video evidence of the replay of the Ulster Football Final (23rd July). The referee dealt with the incident during the match by awarding a free against me and issuing a yellow card.”

He then referred to the following rules:

1. Official Guide (Part 2) Rule 1 Section 1.1, page 14 (2003)
2. Official Guide (Part 2) Rule 4 Sections 5, 8, page 66 (2003)
3. Official Guide (Part 1) Rule 149 (c) (2003) page 99
4. CDC Policy item (5) minutes of 30-06-05”

Mr. Mc Menamin appealed to the Central Appeals Committee which disallowed his appeal last evening (5th August 2005) holding that there was not proof that the Central Disciplinary Committee had erred or misapplied any rule.

The Tribunal decided to hear an application for interim relief pursuant to Section 8 of the Disputes Resolution Code although the Respondent was prepared to have the entire matter disposed of today.

In these circumstances the Tribunal has to decide two matters:

1. Has the Claimant made out a prima facie case? and
2. Where does the balance of convenience lie?

To dispose of the last point first, if we grant interim relief and decide later to affirm the decision of the Central Disciplinary Committee, the suspension would only be postponed and while the

Claimant may be permitted to play today, the postponement might mean that he misses more crucial games than today's. Therefore we think this aspect of the case favours the Claimant.

Is there a prima facie case? This is to question whether video evidence should be allowed at all to, in effect, give a decision different to that of the referee. Video evidence has been in use (pursuant to an Ard- Comhairle ruling) for some time now and has been invoked, indeed by, among others, the Claimant's team, (Tyrone) to exonerate players.

It may be that a contradiction in the Rules will be demonstrated at the Plenary Hearing or, as Mr. Logan submitted, the fact that the referee did not act irrationally (if that be the case) should prevail against what the video evidence showed.

But at this stage we are not convinced that a definite prima facie case has been made out and so the application for interim relief is refused.

This decision is unanimous.

Hugh O'Flaherty
Aaron Shearer
Declan Hallissey

6^h August 2005