



**SPORT DISPUTE  
SOLUTIONS IRELAND**

## CASE STUDY

### DISPUTE

An altercation occurred between a number of individuals at a sporting event. A person present in an official capacity at the event, and who was involved in diffusing the altercation, made a report of the incident to the board of the NGB.

The board appointed a three person disciplinary panel to investigate the incident and their report was delivered to the board. A board sub-committee agreed with the conclusion of the panel that the actions of all individuals involved was in breach of the NGB's code of conduct and took the decision to apply sanctions to all.

One individual appealed the sanction applied to JSI (the Appellant), submitting a Notice of Appeal and Statement of Appeal. The application was accepted and the NGB responded shortly after with their Reply.

### HEARING

A sole arbitrator was appointed and the arbitration was heard less than a month following service of the Notice of Appeal. The NGB was represented by legal counsel while the Appellant was not. It was agreed that the sanction had been applied under the Articles of Association of the NGB which also allowed for an appeal to JSI and directed that the arbitration decision would be final and binding. The Arbitrator indicated that there was no limitation on the type of appeal that was to be conducted by JSI. The parties agreed with the Arbitrator's opinion that this should be a de novo or fresh hearing and that the arbitration should determine the matter finally. As a de novo hearing, the Arbitrator was not bound by evidence that was before the previous decision-makers nor concerned with any procedural issues that may have arisen up to that point.

The Appellant presented his version of events and was cross-examined.

No contrary witnesses were put forward by the NGB. Witness statements of others submitted, both those procured by the Appellant and by the others involved in the altercation, gave very different accounts of the altercation. There was only one official statement, that of the official who made the initial report.

## DECISION

1. Given that no witnesses to the incident, other than the Appellant, were present to be questioned in relation to their statements, the Arbitrator found that the preferred account was that of the independent official.
2. On the basis of that statement and the evidence adduced, the Arbitrator held that the Appellant could not be held liable for the incident and that it was not been established that his words or actions brought the sport into disrepute or were misconduct or inappropriate conduct.

The appellant's appeal was upheld.

## COSTS

The NGB was ordered to pay for the costs of the arbitration, with each party bearing their own expenses associated with the appeal.