

ARBITRATION COMMITTEE'S REPORT

DATE: 21st January 2025

ARBITRATION COMMITTEE MEMBERS: Anthony Creed, William Wallace, Ruben Hansraj, Theophilus Trim,

CHARGES: Proper Registration of Derrel Garcia to participate in the SSFL Football Season 2024

SCHOOL REPRESENTATION: Gregory Quan Kep (Principal), Ravi Ramgoolam (Manager Football Team), Christopher Brathwaite (Legal)

The Principal, School Team Manager and Legal Representative made statements at the meeting as they questioned the registration process, noting that Derrel Garcia was registered at the school on 30th September 2024. However, there was no evidence to indicate he attended classes before 8th October 2024. He received his player ID Card prior to start of season.

DISCIPLINARY COMMITTEE MEETING:

DATE: 21st November 2024

Members: Adesh Dwarika, Laurence Seepersad, Kurt Harry

Report Statement: FINDINGS

- MOE re: SIII indicated that he never received a leave of absence for Derrel Garcia
- MOE re: CEO letter dated 7th December 2024 Derrel Garcia was never deregistered
- The principal was aware of Derrel's leave of absence but never followed the protocols to the MOE
- Although Garcia's name was formally entered on the school's roll of October 2, 2024 for the first term of 2024-2025, he played his first match on that date but he attended his first class that term on Tuesday October 8, 2024 which is a breach of the SSFL Constitution Article 16 as a registered player due to class attendance.
- Based on the facts presented to the Committee, it appears that Derrell Garcia was ineligible to play in four matches in which he participated. Using a purposive rather than a literal interpretation of the Constitution, the penalty decided by the Committee is a loss of points for each of the games in which Derrell Garcia played while ineligible. A purposive interpretation looks at Article 16 and the Constitution as a whole, while a literal interpretation takes a stricter approach that examines the specific words themselves. The purposive approach helps to clarify any apparent inconsistencies in the available sanctions.

APPEALS COMMITTEE MEETING:

DATE: 7th January 2025

Members: Derek West, Rudolph Hope, Forbes Persaud

Statement: FINDINGS

- The Appeals Committee unanimously agreed that Article 16 is specific in its requirements for registration of players and that in the case of Derrell Garcia these requirements were incomplete

- The Appeals Committee found no new evidence presented at meeting.

The Appeals Committee unanimously agreed that St. Benedict's College failed to present sufficient information for the overturn of the decision of the Disciplinary Committee in this matter and therefore agreed that all sanctions applied as a consequence stand.

ARBITRATION COMMITTEE FINDINGS:

Both the Disciplinary Committee and the Appeals Committee agreed that Derrel Garcia resumed school classes on the 8th October 2024

SSFL CONSTITUTION: Article 16

- (i) Students must be duly registered according to the existing rules and regulations of the MOE
- (ii) Students must be on the official roll of the school
- (iii) Students must attend classes at the school during normal school hours

- Additionally, Legal opinion of Mr. Tyrone Marcus is that Garcia has satisfied 1 and 2 of the constitution based on the MOE letter dated December 9th 2024

As a consequence, evidence needs to be established for (iii).

Further findings by the Arbitration Committee from questions and documents:

1. Copy of the class register/roll signed and stamped by the Principal St. Benedict's College and counter signed by the School Supervisor 111, Mr. SHELDON JODHA that Garcia's presence on the compound on the September 30th is not captured in the class register which is official/legal document as shown in the register with a line through the period absent up to October 7th. Usually when a student is attending school but was absent on any given day a "0" is put in the column. The line is an indicator that the student was out for an extended period.
2. The statement from the St. Benedict's College rep. that Garcia was issued a player's ID months in advance which validated his status may be erroneous since there is evidence that Garcia was issued an ID for the 2024 season on October 4th as shown in the what's app exchanges between the office assistant at the SSFL office and Mr. Ramgoolam.

CRITICAL OBSERVATIONS:

- (a) The League is described as the "PRINCIPAL LEAGUE" and it is expected that the information submitted to the league by the school will be in line with the constitution and the rules and regulations of the League. In other words, Principals are expected to contribute to the governance of the League. When the school registers a student to play in the League there is an assumption that certain basic criteria like attendance which is controlled and monitored by the principal/his representative via an official document is in order. There is no reason therefore to ask that all schools submit attendance registers unless it is absolutely required.
- (b) On the issue of the school being singled out is not a fair assumption. An investigation in the League is triggered in various ways. In this case the questions on Garcia's status were in the public domain and therefore came to the attention of the League and the question was, since

Garcia was away from school for one academic year, whether the practiced protocol of reinstatement was followed.

- (c) As educators, we are familiar with the protocol to follow when a student is away from school for a term, and in Garcia's case he was away for one academic year. It is therefore fair to surmise that this would have triggered the investigation
- (d) It should be noted that Garcia's mother by virtue of her letter to the principal dated September 25th requesting his reinstatement seems to be quite aware of the protocols. The MOE in their letter dated December 9th confirmed that the protocol was not followed by the school.
- (e) On the issue of the school been given implicit permission to play Garcia since he was in possession of an ID, it is assumed the ID was given based on the Information at hand so the status quo remains until there is reason to terminate same.
- (f) The issue of Legitimate expectation and Estoppel does not apply as legitimate reasons to pursue the investigation are stated above.
- (g) The nature of this case does not as in the 2023 issues with Moruga and Miracle Ministries, clearly established the lack of due diligence on the part of the SSFL.

CONCLUSION:

Since a major part of this investigation is hinged on the date that Garcia resumed school after his leave of absence, the following apply:

1. A copy of the class register for Derrel Garcia was signed by the principal and the SSIII Mr. Sheldon Jodha with the document stamped with the school's stamp dated 14 November 2024 indicating that Derrel restarted classes on 8th October 2024.
2. Educators in the MOE are well aware that the roll book is an official document and can be produced in a court of law as evidence. It is the document that determines if a student is absent or not.
3. There is a protocol to follow that reentries in the roll book for example when a student is attending school and is absent on any given day a "0" is put in the column. However, in this instance a line is drawn indicating that the student was out for an extended period.
4. Based on the above, it can be concluded then that Garcia was away for an extended period which is a fact and is not in dispute, and that he resumed classes on October 8th as indicated in the document

As a consequence, the Arbitration Committee unanimously supports the decision of the Disciplinary Committee and endorsed by Appeals Committee that St. Benedict's College was in breach of SSFL Constitution Article 16 with the registration of player Derrel Garcia wherein the Article articulates '**class attendance**' for the restart of classes at school for Derrel which was on 8th October 2024. The penalties articulated by the Disciplinary Committee applied shall stand.

Respectfully submitted

