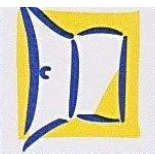


APPENDIX 107

ANALYSIS APRIL 2021 - APPENDIX TEN

OIFIG ACHOMHAIRC
LEASA SHÓISIALAIGH



SOCIAL WELFARE
APPEALS OFFICE

31 August 2015

Appeal No: 15/06101

PPS No: [REDACTED]

Appeal Type: OIB Disablement

Dear [REDACTED]

I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:

"The appeal is allowed."

A note on the reasons for the Appeals Officers decision is set out hereunder.

"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."

A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.

Yours sincerely

Laura Bourke, Clerical Officer

SWAO11

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH

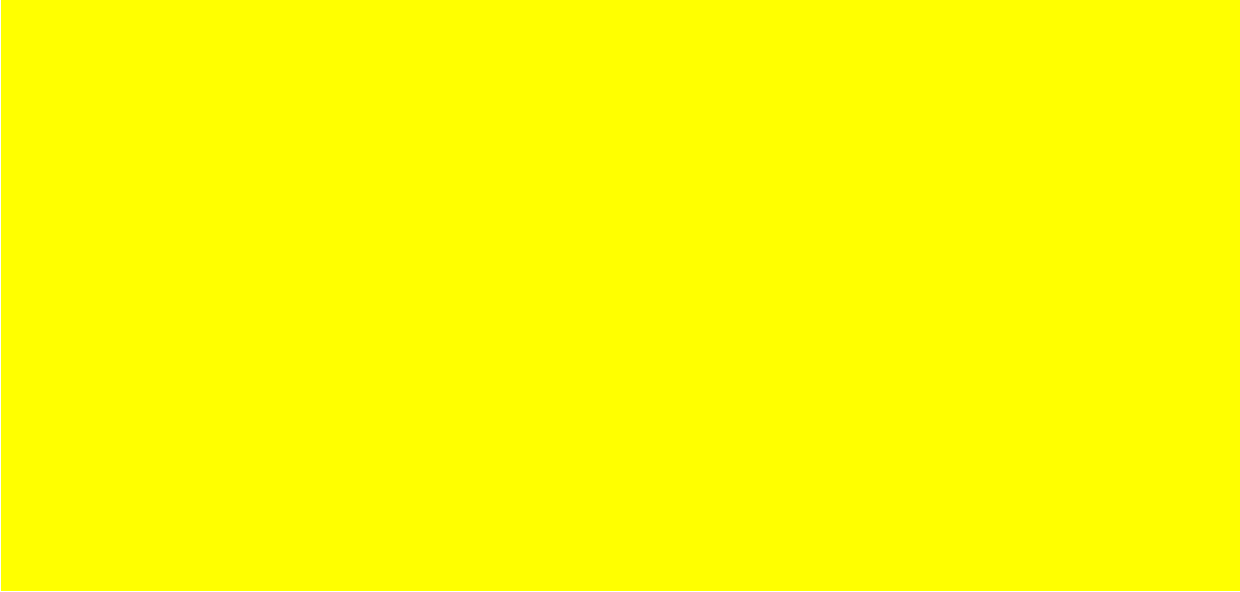
SOCIAL WELFARE APPEALS OFFICE

In appendix ten it is notable that

apart from what is quoted in the APPENDIX TEN,

Ms Laura Bourke, clerical officer of the Appeals office, in APPENDIX TEN, writes that....

(see APPENDIX TEN)



still lasting and it is not known whether the illness will ever end or not (see APPENDIX TWENTY TWO, APPENDIX TWENTY THREE, APPENDIX TEN)

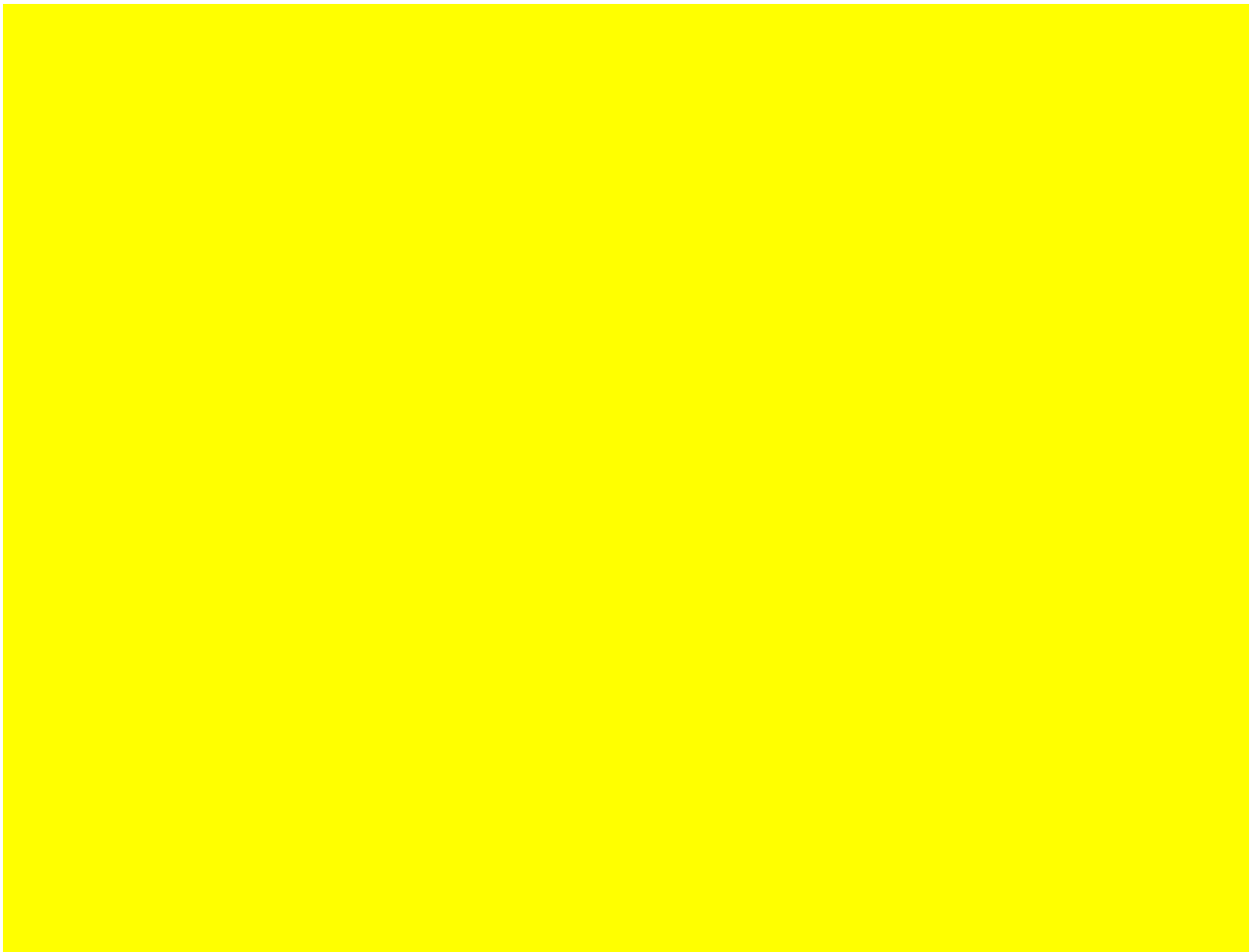




APPENDIX 110

ANALYSIS APRIL 2021

It is officially proved (see APPENDIX TEN) that all of this is the direct consequence of the inhumanity and bullying I was exposed to in the Irish Wheelchair Association.





⁵⁰ See nr 1....APPENDIX NEWBRIDGE and see also APPENDIX TEN

Dr. [REDACTED] PhD, MIACP

Counsellor & Psychotherapist

Feel Better, Stay Better Counselling

[REDACTED]
Republic of Ireland

e-mail:
Tel:
Website:

2nd October 2015

To whom it may concern,

Mr. [REDACTED] first attended my psychotherapy practice on the 11th of December 2013, presenting with severe stress and anxiety, which was subsequently diagnosed as Post-traumatic Stress Disorder (PTSD). This means that his 'Fight or Flight' response (which is caused by the stress hormones cortisol and adrenaline) is chronically activated and unable to switch off. PTSD causes daily anxiety and can have significant deleterious effects on the body, leading to insomnia and pronounced weight loss. Furthermore, this makes Mr. [REDACTED] particularly vulnerable to subsequent stressful events, which under normal circumstances might be dealt with easily but not for those suffering with PTSD. Current research into PTSD has shown that the disorder can last anywhere from months to years and requires regular psychotherapy in addition to participation in stress reduction programs, if it is to be resolved. Mr. [REDACTED] is committed to attending psychotherapy sessions with me in order to alleviate his symptoms and resolve his PTSD, in addition to his work with the psychiatric unit in [REDACTED] Health Centre.

Mr. [REDACTED] PTSD is a result of prolonged and sustained abuse (that culminated in the accident on 2nd August 2012) by a single individual whom he worked for (as part of the Irish Wheelchair Association). His symptoms began soon after leaving his employer in August 2012, which is commonly the case with PTSD. Unfortunately, it is not possible to determine when the symptoms of PTSD will subside; it is dependent on individual susceptibility to stress. It is hoped that with continued support Mr. [REDACTED] will recover eventually. This means that for the time being Mr. [REDACTED] is unable to withstand the common stresses of the standard work environment and therefore not in a position to gain employment.

Sincerely,

[REDACTED]

Dr. [REDACTED] (PhD)

APPENDIX 113

ANALYSIS DECEMBER 2021 ONE - APPENDIX TWENTY TWO

Dr. [REDACTED] PhD, MIACP
Counsellor & Psychotherapist
Feel Better, Stay Better Counselling

[REDACTED]
Republic of Ireland

e-mail: [REDACTED]
Tel: [REDACTED]
Website: [REDACTED]

20th April 2015

To whom it may concern,

Mr. [REDACTED] first attended my psychotherapy practice on the 11th of December 2013, presenting with severe stress and anxiety, which was subsequently diagnosed as Post-traumatic Stress Disorder (PTSD). This means that his 'Fight or Flight' response (which is caused by the stress hormones cortisol and adrenaline) is chronically activated and unable to switch off. PTSD causes daily anxiety and can have significant deleterious effects on the body, leading to insomnia and pronounced weight loss. Furthermore, this makes Mr. [REDACTED] particularly vulnerable to subsequent stressful events, which under normal circumstances might be dealt with easily but not for those suffering with PTSD. Current research into PTSD has shown that the disorder can last anywhere from months to years and requires regular psychotherapy in addition to participation in stress reduction programs, if it is to be resolved. Mr. [REDACTED] is committed to attending psychotherapy sessions with me in order to alleviate his symptoms and resolve his PTSD, in addition to his work with occupational therapy and the psychiatric unit in [REDACTED] Health Centre.

Mr. [REDACTED] PTSD is as a result of prolonged and sustained abuse (that culminated in the accident on 2nd August 2012) by a single individual whom he worked for (as part of the Irish Wheelchair Association; IWA).

His symptoms began soon after leaving employment with the IWA in August 2012, which is commonly the case with PTSD. Unfortunately, it is not possible to determine when the symptoms of PTSD will subside; it is dependent on individual susceptibility to stress. It is hoped that with continued support, Mr. [REDACTED] will recover eventually. However, standard practice dictates that PTSD sufferers not return to the site/agency of their initial trauma, for obvious reasons. To do so, would needlessly re-activate mental trauma and undoubtedly undo the work Mr. [REDACTED] has accomplished over the past year. Even if Mr. [REDACTED] was in a position to return to employment at the time of writing this letter (he is not), I would not recommend that he return to the IWA as an employee.

Sincerely,

[REDACTED]

Dr. [REDACTED] (PhD)

APPENDIX 114

RL 5576 1035 1IE

An Post Retail Receipt

Post Office: 217 Position: 2
Date: 16-Jan-2023 Time: 13:46:07

Trans. Ref. ID	02170207019312
Destination	Ireland - 26 Counties
Weight (Parcel)	5.115 kg
RegisteredPost	17.00 EUR

TRACKING NUMBER RL 557 610 351 IE

No Commercial Value

As there has been no value declared on this item, a maximum insured value of 25 EUR will be payable in the event of a successful claim.

Total Amount Paid	17.00 EUR
Payment Method	VisaDebit

an
post

Post & Parcels

Money

Insurance

Switch Now



RL557610351IE

We delivered your post at 06:22 on 17 January 2023

[Track another item](#)

[View item history](#)

an
post

Proof of Delivery

For your world

Name: JON
Delivery Date: 17 Jan 2023, 06:22
Signature:

Barcode(s) : RL557610351IE



APPENDIX 115

[2006.]

Criminal Justice Act 2006.

[No. 26.]

Pr.6

69.—Each provision of the Explosives Act 1875 specified in *Schedule 2* to the *Criminal Justice Act 2006* is amended in the manner specified in the third and fourth columns opposite the mention of that provision in the first column of that Schedule.

Other amendments of Explosives Act 1875.

PART 7

ORGANISED CRIME

70.—(1) In this Part—

Interpretation (*Part 7*).

“act” includes omission and a reference to the commission or doing of an act includes a reference to the making of an omission;

“criminal organisation” means a structured group, however organised, that—

- (a) is composed of 3 or more persons acting in concert,
- (b) is established over a period of time,
- (c) has as its main purpose or main activity the commission or facilitation of one or more serious offences in order to obtain, directly or indirectly, a financial or other material benefit;

“Irish ship” has the meaning it has in section 9 of the *Mercantile Marine Act 1955*;

“serious offence” means an offence for which a person may be punished by imprisonment for a term of 4 years or more;

“structured group” means a group that—

- (a) is not randomly formed for the immediate commission of a single offence, and
- (b) does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

(2) For the purposes of this section facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.

71.—(1) Subject to *subsections (2) and (3)*, a person who conspires, whether in the State or elsewhere, with one or more persons to do an act—

Offence of conspiracy.

- (a) in the State that constitutes a serious offence, or
- (b) in a place outside the State that constitutes a serious offence under the law of that place and which would, if done in the State, constitute a serious offence,

is guilty of an offence irrespective of whether such act actually takes place or not.

(2) *Subsection (1)* applies to a conspiracy committed outside the State if—

- (a) the offence, the subject of the conspiracy, was committed, or was intended to be committed, in the State or against a citizen of Ireland,
- (b) the conspiracy is committed on board an Irish ship,
- (c) the conspiracy is committed on an aircraft registered in the State, or
- (d) the conspiracy is committed by an Irish citizen or a stateless person habitually resident in the State.

(3) *Subsection (1)* shall also apply to a conspiracy committed outside the State in circumstances other than those referred to in *subsection (2)*, but in that case the Director of Public Prosecutions may not take, or consent to the taking of, proceedings for an offence under *subsection (1)* except in accordance with *section 74(3)*.

(4) A person charged with an offence under this section is liable to be indicted, tried and punished as a principal offender.

(5) A stateless person who has his or her principal residence in the State for the 12 months immediately preceding the commission of a conspiracy is, for the purposes of *subsection (2)*, considered to be habitually resident in the State on the date of the commission of the conspiracy.

Organised crime.

72.—(1) A person who, for the purpose of enhancing the ability of a criminal organisation to commit or facilitate—

- (a) a serious offence in the State, or
- (b) in a place outside the State, a serious offence under the law of that place where the act constituting the offence would, if done in the State, constitute a serious offence,

knowingly, by act—

- (i) in a case to which *paragraph (a)* applies, whether done in or outside the State, and
- (ii) in a case to which *paragraph (b)* applies, done in the State, on board an Irish ship or on an aircraft registered in the State,

participates in or contributes to any activity of the organisation is guilty of an offence.

(2) In proceedings for an offence under *subsection (1)*, it shall not be necessary for the prosecution to prove that—

- (a) the criminal organisation concerned actually committed a serious offence in the State or a serious offence under the law of a place outside the State where the act constituting the offence would, if done in the State, constitute a serious offence, as the case may be,
- (b) the participation or contribution of the person concerned actually enhanced the ability of the criminal organisation concerned to commit or facilitate the offence concerned, or

- (c) the person concerned knew the specific nature of any offence that may have been committed or facilitated by the criminal organisation concerned.

(3) In determining whether a person participates in or contributes to any activity of a criminal organisation, the court may consider, *inter alia*, whether the person—

- (a) uses a name, word, symbol or other representation that identifies, or is associated with, the organisation, or

- (b) receives any benefit from the organisation.

(4) For the purposes of this section, facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.

(5) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years or both.

73.—(1) A person who commits a serious offence for the benefit of, at the direction of, or in association with, a criminal organisation is guilty of an offence.

Commission of offence for criminal organisation.

(2) In proceedings for an offence under *subsection (1)*, it shall not be necessary for the prosecution to prove that the person concerned knew any of the persons who constitute the criminal organisation concerned.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

74.—(1) Proceedings for an offence under *section 71* or *72* in relation to an act committed outside the State may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

Proceedings relating to offences committed outside State.

(2) Where a person is charged with an offence referred to in *subsection (1)*, no further proceedings in the matter (other than any remand in custody or on bail) may be taken except by or with the consent of the Director of Public Prosecutions.

(3) The Director of Public Prosecutions may take, or consent to the taking of, further proceedings against a person for an offence in respect of an act to which *subsection (1)* of *section 71* applies and that is committed outside the State in the circumstances referred to in *subsection (3)* of that section if satisfied—

- (a) that—

- (i) a request for a person's surrender for the purpose of trying him or her for an offence in respect of that act has been made under Part II of the Extradition Act 1965 by any country, and

- (ii) the request has been finally refused (whether as a result of a decision of the court or otherwise),

or

(b) that—

- (i) a European arrest warrant has been received from an issuing state for the purpose of bringing proceedings against the person for an offence in respect of that act, and
- (ii) a final determination has been made that the European arrest warrant should not be endorsed for execution in the State under the European Arrest Warrant Act 2003 or that the person should not be surrendered to the issuing state concerned,

or

- (c) that, because of the special circumstances (including, but not limited to, the likelihood of a refusal referred to in *paragraph (a)(ii)* or a determination referred to in *paragraph (b)(ii)*), it is expedient that proceedings be taken against the person for an offence under the law of the State in respect of the act.

(4) In this section “European arrest warrant” and “issuing state” have the meanings they have in section 2(1) of the European Arrest Warrant Act 2003.

Evidence in proceedings under this Part.

75.—(1) In any proceedings for an offence under *section 71*—

- (a) a certificate that is signed by an officer of the Department of Foreign Affairs and states that—

- (i) a passport was issued by that Department of State to a person on a specified date, and

- (ii) to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is shown, and

- (b) a certificate that is signed by the Director of Public Prosecutions or by a person authorised by him or her and that states that any of the matters specified in *paragraph (a)*, *(b)* or *(c)* of *section 74(3)* is evidence of the facts stated in the certificate, unless the contrary is shown.

(2) A document purporting to be a certificate under *subsection (1)* is deemed, unless the contrary is shown—

- (a) to be such a certificate,

- (b) to have been signed by the person purporting to have signed it, and

- (c) in the case of a certificate signed with the authority of the Minister for Foreign Affairs or the Director of Public Prosecutions, to have been signed in accordance with the authorisation.

76.—(1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Liability for offences by bodies corporate.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

77.—A person who is acquitted or convicted of an offence in a place outside the State shall not be proceeded against for an offence under—

Double jeopardy.

(a) *section 71* consisting of the act, or the conspiracy to do an act, that constituted the offence, or

(b) *section 72* consisting of the act that constituted the offence,

of which the person was so acquitted or convicted.

78.—The Act of 1967 is amended—

Amendment of Act of 1967.

(a) in section 13(1), by the insertion of “or an offence under *section 71, 72 or 73* of the *Criminal Justice Act 2006*” after “the offence of murder under section 6 or 11 of the Criminal Justice (Terrorist Offences) Act 2005 or an attempt to commit such offence”, and

(b) in section 29(1), by the insertion of the following paragraph after paragraph (k):

“(l) an offence under *section 71, 72 or 73* of the *Criminal Justice Act 2006*.”.

79.—The Schedule to the Bail Act 1997 is amended by the insertion of the following after paragraph 28:

Amendment of Schedule to Bail Act 1997.

“Organised Crime.

28A.—An offence under *section 71, 72 or 73* of the *Criminal Justice Act 2006*.”.

PART 8

MISUSE OF DRUGS

80.—In this Part “Act of 1977” means Misuse of Drugs Act 1977.

Definition.

81.—(1) Section 15A of the Act of 1977 is amended by the insertion of the following subsection after subsection (3):

Amendment of section 15A of Act of 1977.



APPENDIX 116



Eileen O'Mahony,

Eileen was President of Irish Wheelchair Association (IWA), a position she held from 2004 until stepping down in 2021. Eileen still sits on the organisation's Governance Committee.

APPENDIX 117

“other limitation enactment” means any enactment (other than this Act) relating to the limitation of actions;

“personal estate” does not include chattels real;

“personal injuries” includes any disease and any impairment of a person's physical or mental condition;

“personal property” does not include chattels real;

“personal representative” means the executor, original or by representation, or the administrator of a deceased person and includes, in relation to land to which the Land Purchase Acts apply, a person who, under those Acts, is, for the purposes of proceedings under those Acts, appointed to be the administrator of the personal estate of a deceased person or nominated to represent a person dead, absent or under a disability;

“registered land” means land the title to which is registered under the Act of 1891;

“rentcharge” means any annuity or periodic sum of money charged upon or payable out of land, and includes—

- (a) any annual or periodic payment to the Irish Land Commission, including an annuity in repayment of an instalment mortgage payable into the Church Temporalities Fund, and
- (b) any periodic payment which was immediately before the 6th day of December, 1922, collectable under the Crown Lands Acts, 1829 to 1913, being—
 - (i) a crown rent, or
 - (ii) a quit rent, or
 - (iii) a composition rent, or
 - (iv) any other rentcharge, and
- (c) a fee-farm rent, whether the grant under which it arises does or does not create the relationship of landlord and tenant,

but does not include—

- (d) a conventional rent, or
- (e) interest on a mortgage or charge on land, or
- (f) a terminable annuity payable in respect of a loan under the Housing (Gaeltacht) Acts, 1929 and 1934;

“ship” includes every description of vessel used in navigation not propelled by oars;

“State authority” means any authority being—



APPENDIX 118



Analysis and beneath the text its 37 appendixes

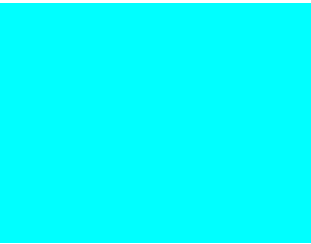
TO WHOM IT MAY CONCERN

Dear Madam or Sir...

My signature hereunder authorizes my Legal Advisors I worked with in United Nations to represent me wherever they believe it is necessary.

In  14th July 2025

Respectfully,



Paul X. Comerford - Complaints and Resolutions Officer,
Brian Doherty – Chief Executive Officer,
An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority
[redacted]
Dublin 7

Dear Mr Paul X. Comerford and dear Mr Brian Doherty,

We are the Prosecuting Attorney Office in the US and the legal advisors to Mr [redacted]
He lives in apartment [redacted] county [redacted] Postal code:
[redacted] We forward our comments¹ about the “..correspondence from Mr Fay dated 26
September 2023”^{2, 3} and enclose the letter in which Mr [redacted] authorizes our office to
represent him. In case of any response, feel free to write directly to mister [redacted]

Table of Contents

1. See number 1 on front page of APPENDIX 2 1
2. See number 2 on front page of APPENDIX 2 4

1. See number 1 on front page of APPENDIX 2

Mr Leo Fay, in number 1 on front page of APPENDIX 2, writes “Dear Sirs.....The incident
arose on the 12th of April 2012...”



It is notable and evidenced that Mr Leo Fay, **deliberately**, is not saying the truth to “Dear Sirs”

¹ See number 1...APPENDIX 1

² See number 2...APPENDIX 1

³ See number 3...APPENDIX 2

Evidence...

Mr Leo Fay of Michael J. Kennedy Solicitors received⁴ the parcel of documents weighing 5115 grams⁵ and the parcel looked like this.⁶

1. In this parcel Mr Leo Fay of Michael J. Kennedy Solicitors received file APRIL 2021 containing APPENDIX SIX.

1.1 In this appendix page nine⁷ confirms that the accident took place on 2nd August 2012 and not on 12th April 2012.

2. In that parcel Mr Leo Fay of Michael J. Kennedy Solicitors received file SEPTEMBER 2020 and in its ANALYSIS ONE REVISED VERSION page 43⁸ testifies **TWO TIMES** that the accident at work happened on 2nd August 2012.

3. In that parcel Mr Fay Leo received file MAY 2022 and in number 12 in its APPENDIX SIX Eileen Loughlin⁹ **confirms** that the accident at work took place on 2nd August and not on 12th April 2012.

4. In that parcel, Mr Leo Fay received file SEPTEMBER 2021; in its APPENDIX THE FILE document 66¹⁰ **TWO TIMES** confirms that the incident took place on 2nd August and not on 12 April 2012.

4.1. This file (SEPTEMBER 2021) contains ANALYSIS SEPTEMBER THIRD 2021 that on its....

4.1.1....page 31¹¹ ONE time refers to APPENDIX TEN¹² which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

4.1.2....page 32¹³ ONE time refers to APPENDIX TEN¹⁴ which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

⁴ See page 2 and page 3... APPENDIX 3

⁵ See page 1...APPENDIX 3

⁶ See page 4...APPENDIX 3

⁷ See appendix 4

⁸ See APPENDIX 5

⁹ See APPENDIX 6

¹⁰ See APPENDIX 7

¹¹ See APPENDIX 8

¹² See APPENDIX 9

¹³ See APPENDIX 10

¹⁴ See APPENDIX 9

4.1.3.....page 49¹⁵ ONE time refers to APPENDIX TEN¹⁶ which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

4.1.4.....page 54¹⁷ ONE time refers to APPENDIX TEN¹⁸ which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

4.1.5.....page 58¹⁹ ONE time refers to APPENDIX TEN²⁰ which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

4.1.6.....page 59²¹ ONE time refers to APPENDIX TEN²² which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

4.1.7.....page 28²³ ONE time refers to APPENDIX TEN²⁴ which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

4. In that parcel Mr Fay Leo received file MAY 2022 and its appendix newbridge²⁵ testifies again **TWO TIMES** that the accident at work happened on 2nd August 2012 and not on 12th April 2012

5. In that parcel he received file APRIL 2021 and this file contained

5.1. APPENDIX TEN²⁶ testifying **TWO TIMES** that the incident took place on 2nd August 2012 and NOT on 12 April 2012. and...

5.2.analysis which on its.....

5.2.1. ...page 4²⁷ **TWO TIMES** refers to APPENDIX TEN and “Chief Appeals Officer in his decision”²⁸ which confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

¹⁵ See APPENDIX 11

¹⁶ See APPENDIX 9

¹⁷ See APPENDIX 12

¹⁸ See APPENDIX 9

¹⁹ See APPENDIX 13

²⁰ See APPENDIX 9

²¹ See APPENDIX 14

²² See APPENDIX 9

²³ See APPENDIX 15

²⁴ See APPENDIX 9

²⁵ See APPENDIX 16

²⁶ See APPENDIX 17

²⁷ See APPENDIX 18

²⁸ See APPENDIX 19

5.2.2. ...page 10²⁹ **FOUR TIMES** refers to APPENDIX TEN³⁰ and this APPENDIX TEN confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

5.2.3. ...page 17³¹ **ONE TIME** refers to APPENDIX TEN³² and this APPENDIX TEN confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

5.2.4. ...page 20³³ **ONE TIME** refers to APPENDIX TEN³⁴ and this APPENDIX TEN confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

5.2.5. ...page 25³⁵ **ONE TIME** refers to APPENDIX TEN³⁶ and this APPENDIX TEN confirms **TWO TIMES** (highlighted in green) that the incident took place on 2nd August 2012 and NOT on 12 April 2012.

Dear Mr Paul X. Comerford and dear Mr Brian Doherty what is pointed to above (under subtitle **1. See number 1 on front page of APPENDIX 2**) is undeniable evidence that Mr Leo Fay of Michael J. Kennedy Solicitors from Baldoyle deliberately violated...

Section 14.- (1) (i)...Solicitors Act 1954³⁷.....

Section 50...Legal Services Regulation Act 2015³⁸...

Section 10...Criminal Justice (Theft and Fraud Offences) Act 2001³⁹

2. See number 2 on front page of APPENDIX 2

Mr Leo Fay, in number 2 on front page of APPENDIX 2, writes..

²⁹ See APPENDIX 20

³⁰ See APPENDIX 9

³¹ See APPENDIX 21

³² See APPENDIX 9

³³ See APPENDIX 22

³⁴ See APPENDIX 9

³⁵ See APPENDIX 23

³⁶ See APPENDIX 9

³⁷ See APPENDIX 33

³⁸ See APPENDIX 35

³⁹ See APPENDIX 34

2

contacted us approximately 2.5 years after the incident.

It is, indeed, important to once more point out that subtitle... **1. See number 1 on front page of APPENDIX 2** undeniably proves **41 (forty one) times that the incident took place on 2nd August 2012 and that Mr Leo Fay of Michael J. Kennedy Solicitors deliberately is not saying the truth when pointing out that the incident took place on 12th April 2012.** Let us, now return to Mr Fay's words that "...Mr [redacted] contacted us approximately 2.5 years after the incident." It is really important to clarify the assertion hereunder...

1

Dear Sirs,

the 12th of April 2012

The incident arose on

Namely, from 12th April through 2nd August 2012 one hundred and eleven days exist. Findings of the study of both unconscious and conscious mental processes and motives^{40, 41, 42} as well as

⁴⁰ Cherry, K. (2021) "The Influence of Psychoanalysis on the Field of Psychology," *Verywellmind*, Available at: <https://www.verywellmind.com/what-is-psychoanalysis-2795246>, Accessed on 19th July 2021

⁴¹ Freud, S. (2012) *A General Introduction to Psychoanalysis*, Wordsworth Editions Ltd, Stansted

⁴² Bateman, A. and Holmeds J. (1995) *Introduction to Psychoanalysis: Contemporary Theory and Practice*, Routledge, New York

those of theory of probability^{43, 44} and all seven⁴⁵ basic principles of logical reasoning⁴⁶ are relentless.

This assertion...

the 12th of April 2012

The incident arose on

...was moved backwards 111 days for some reason. A closer look at all this **immediately** points to this assertion of Leo Fay...



contacted us approximately 2.5 years after the incident.

See number 2 on front page of APPENDIX 2

The question remaining **why** **2.5 years**

why not less???

⁴³ de Finetti, B. (2017) *Theory of Probability: A Critical Introductory Treatment*, John Willey & Sons Ltd, Chichester-West Sussex

⁴⁴Gillies, D. (2000) *Philosophical Theories of Probability*, Routledge, London

⁴⁵ Modus Ponens,
Modus Tollens,
Two Modus Ponens arguments forming a conjunction
Destructive Dilemma,
Hypothetical Syllogism,
Disjunctive Syllogism,
Proof by Contradiction

⁴⁶ Schneck, D. (2008) "Seven Basic Principles of Logical Reasoning", *American Laboratory*, Volume 40, No 14, pp. 4-5

Very interesting formulation Mr Fay gave in number 4 on front page of APPENDIX 2 when writing that Mr [REDACTED]

4

[REDACTED] pursuant to the Statute of Limitations.

was outside the time allowed

Moving the date of incident from 2nd August to 12th April 2012 along with this assertion...

2

[REDACTED] contacted us approximately 2.5 years after the incident.

(see number 2 on front page of APPENDIX 2)

...was the precondition of the assertion that [REDACTED]

4

pursuant to the Statute of Limitations.

was outside the time allowed

(see number 4 on front page of APPENDIX 2)

If the incident took place on 12th April 2012 (as Mr Leo Fay writes in number 1 on front page of APPENDIX 2)

1

Dear Sirs,

the 12th of April 2012

The incident arose on

...then according to what Leo Fay writes in number 2 on front page of APPENDIX 2

contacted us approximately 2.5 years after the incident.

Mr [REDACTED] contacted them around 12th October 2014” and this date, of course, falls around...
thirty months after Leo Fay’s incident (12th April 2012) and time around 12th October 2014
does place [REDACTED]

pursuant to the Statute of Limitations.

outside the time allowed

However, the events in reality happened in a “slightly” different way...

Evidence...

The crucial point is that Leo Fay of Michael J. Kennedy Solicitors refers to the Statute of Limitations as he says himself.....

pursuant to the Statute of Limitations.

(see number 4 on front page of APPENDIX 2)

....and that is the evidence confirming he does know where, within the Statute, to look for....

pursuant to the Statute of Limitations.

the time allowed

The Statute of Limitations **AT THE SAME PLACE** talks about **EXCEPTIONS**.... Leo Fay NOWHERE refers to in APPENDIX 2. On the other hand, **THREE** we repeat **THREE** law offices: Coleman Legal LLP,⁴⁷ Augustus Cullen Law⁴⁸ and McMahon Goldrick Solicitors⁴⁹ DO NOT ignore them (exceptions).

Coleman Legal LLP....

⁴⁷ See appendix 24

⁴⁸ See appendix 25

⁴⁹ See appendix 26

1.1 Exceptions

There are some circumstances in which the applicable time limit may be altered, such as:

- Where the injured party has suffered a mental impairment as a result of their injury

Augustus Cullen Law

The general rule is that you have a two-year period from the date of the accident or injury to initiate legal proceedings. However, there are specific situations that might affect this starting point:

- Minor at the time of the injury: If the injured party was under 18 at the time of the accident, the two-year period begins on their 18th birthday.
- Delayed knowledge of the injury: Sometimes, the full extent or nature of the injury might not be immediately apparent.
- Incapacity: If the injured person was incapacitated in some way, such as being in a coma or lacking the mental capacity to manage their affairs.

...and...

McMahon Goldrick Solicitors

Exceptions to the time limit:

- Date of knowledge

Sometimes, an injury or illness may not become noticeable until a while after the incident, which may affect the timeline for issuing proceedings. The date of knowledge is the date on which you

1. You had been injured
2. The injury was significant
3. The injury was caused by the negligence of another person or party
4. You were able to identify who that person or party was

- When the injured party is mentally impaired as a result of sustaining their injury

APPENDIX 4, number 1...APPENDIX 5, nr 1..APPENDIX 9 officially confirm, nature of Mr [REDACTED] illness.

Dear Mr Paul X. Comerford and dear Mr Brian Doherty, EVEN LEO FAY HIMSELF in APPENDIX 32 CONFIRMED what the three legal offices stress....

I note nature of the injury. In the Statute of Limitations time limit does not apply to your psychological-mental injury.

“...In the Statute of Limitations time limit does not apply to your psychological-mental injury”

However, several years later, on 26th September 2023 Leo Fay writes that [REDACTED]

4

pursuant to the Statute of Limitations.

was outside the time allowed

(see number 4 on front page of APPENDIX 2)

Dear Mr Paul X. Comerford and dear Mr Brian Doherty this is unbelievable and this is not acceptable at all. **What is happening here?????**

According to Leo Fay of Michael J. Kennedy Solicitors Mr [REDACTED] contacted them around 12th October 2014. Namely, Mr Fay, in number 2 on front page of APPENDIX 2, says...

2

[REDACTED] contacted us approximately 2.5 years after the incident.

...and this incident, Mr Fay writes in number 1 on front page of APPENDIX 2, "...arose on the 12th of April 2012..."



Ergo...

2.5 years after the incident.

...falls around 12th October 2014. What first happened is Leo Fay's date of incident "the 12th April 2012" then **441 days (14 months and 21 days) after** "the 12th April 2012" the real date of when Mr Peulich contacted them - see dates of APPENDIX 27⁵⁰

Thu 27/06/2013 16:49

Sent: 27 June 2013 14:17

...what takes place then, **fifteen months and fifteen days**, AFTER 27th June 2013 is Leo Fay's...

2.5 years after the incident.

...or in other words, 12th October 2014. It is interesting to do a little more of simple mathematics. If we add 441 days (14 months and 21 days) and the foregoing 15 months and 15 days we get 30 months and five days which is **PRECISELY** Leo Fay's...

⁵⁰ (27th June 2013-when Mr [redacted] really contacted Leo Fay)

In appendix 27 Leo Fay of Michael J. Kennedy Solicitors, on 27th June 2013, writes....

"I added this to **the file** and would need more details in which way line manager put you out of his house and took his key from you"

I added this to **the file** and would need more details in which way line manager put you out of his house and took his key from you.

This, further, means that Mr [redacted] contacted Michael J. Kennedy Solicitors **EVEN BEFORE** 27th June 2013 as on this day Leo Fay **ALREADY HAD THE FILE** which came into being **BEFORE** 27th June 2013.

approximately 2.5 years after the incident.

This, further means that Leo Fay moved the real date when Mr [REDACTED] contacted them from..

Sent: 27 June 2013 14:17

(see APPENDIX 27)

...to

approximately 2.5 years after the incident.

(around 12th October 2014)

All this was the precondition of placing Mr [REDACTED] where he did not belong to i.e....

4

pursuant to the Statute of Limitations.

outside the time allowed

(see number 4 on front page of APPENDIX 2)

Even if Leo Fay's assertions...

1

Dear Sirs,

the 12th of April 2012

The incident arose on

(see number 1 on front page of APPENDIX 2)

2

contacted us approximately 2.5 years after the incident.

(see number 2 on front page of APPENDIX 2)

...and another assertion of Leo Fay that

pursuant to the Statute of Limitations.

was outside the time allowed

(see number 4 on front page of APPENDIX 2)

...are correct – which are not – it is ABSOLUTELY IRRELEVANT because **THREE** we repeat **THREE** law offices: Coleman Legal LLP,⁵¹ Augustus Cullen Law⁵² and McMahon Goldrick Solicitors⁵³ talk about exceptions referring to mental-psychological injury which for instance APPENDIX 4, number 1...APPENDIX 5, nr 1..APPENDIX 9 officially testify about.

Even Leo Fay, himself, in APPENDIX 28 writes...

I note nature of the injury. In the Statute of Limitations time limit does not apply to your psychological-mental injury.

Leo

If we compare what the foregoing **THREE** legal offices and Leo Fay, himself, point to with what Leo Fay writes in number 4 on front page of APPENDIX 2...

⁵¹ See appendix 24

⁵² See appendix 25

⁵³ See appendix 26

pursuant to the Statute of Limitations.

was outside the time allowed

...we open complex circumstances...

In the end, dear Mr Paul X. Comerford and dear Brian Doherty, we would point out that we absolutely disagree with what Mr Leo Fay writes in number 5 of APPENDIX 2. He does not give **any evidence** supporting what he writes at this place. Mr Fay points out “His instructions” and according to Cambridge dictionary “Instruction”⁵⁴ refers to a...

“**WRITTEN** advice and information about how to do or use something”

written advice and information about how to do or use something:

Mr [REDACTED] has never given any (written or verbal) advice and information about how Leo Fay should do or use something and Mr Leo Fay does not give any evidence of “His instructions” he refers to in number 5 of APPENDIX 2.

Mr [REDACTED] only said that he would love to hear Leo Fay’s opinion⁵⁵ whether the case could be closed in a near future having in mind the fact that the Agreement Letter was signed on 30th

⁵⁴ See APPENDIX 30

⁵⁵ ...because **WE** have instructed Mr [REDACTED] to say so...

December 2015⁵⁶ - 90 (ninety) months or in other words TWO THOUSAND AND SEVEN HUNDRED DAYS before...

the day of June 2023

...Mr Fay refers to in number 5 of APPENDIX 2 and according to Cambridge dictionary that is not ‘instruction.’

Dear Mr Paul X. Comerford and dear Mr Brian Doherty, let us return to Cambridge dictionary and reiterate “Instruction”⁵⁷ refers to a...

“WRITTEN advice and information about how to do or use something”

written advice and information about how to do or use something:

We will give you a classical example of instruction in real life. Namely, in number 5...second page...APPENDIX 2 Mr Leo Fay writes...

APPENDIX 2

Page 2 of 2

it may be more beneficial to pursue the alternate route as suggested by his alternate legal advisers.

Yours Faithfully,

Leo Fay

5

Mr Leo Fay of Michael J. Kennedy Solicitors in the foregoing excerpt points to “suggestion” in verb form and the notion according to Cambridge dictionary means mentioning “...an action for other people to consider.”⁵⁸

On July 14, 2023 at 06:21 Mr Leo Fay received the correspondence...

⁵⁶ See fifth page of APPENDIX 29

⁵⁷ See APPENDIX 30

⁵⁸ See APPENDIX 36

an post

Proof of Delivery

For your world

Name: MJK
Delivery Date: 14 Jul 2023, 06:21
Signature:



Barcode(s) : RL542175718IE



On second page of this letter we (the victim's legal advisors) addressed directly to Leo Fay and mentioned.... "...an....action for other people [Leo Fay] to consider..."⁵⁹

we start, in phases,
uploading ALL the material to internet as soon as possible. First, as we have already pointed out, the theoretical approach and then story of the exhibits in which one of central places belongs to the file of Michael J. Kennedy Solicitors.

74 days after receiving this letter, on September 26, 2023⁶⁰

⁵⁹ See APPENDIX 37

⁶⁰ See nr 3...page 1...APPENDIX 2

APPENDIX 2

Page 1 of 2



Baldoyle, Dublin 13

LSRA

DUBLIN 7.

Our Ref: LF/HB/PEU101/7278 You Ref23/9389

Date: 26th September 2023

...Leo Fay, in number 5...second page...APPENDIX 2, writes...

APPENDIX 2

Page 2 of 2

it may be more beneficial to pursue the alternate route as suggested by his alternate legal advisers.

Yours Faithfully,

Leo Fay

Let us, now, return to meaning of “Instruction”⁶¹ which according to Cambridge dictionary refers to a...

“**WRITTEN** advice and information about how to do or use something”

written advice and information about how to do or use something:

...this precisely and exactly refers to what Mr Leo Fay of Michael J. Kennedy Solicitors writes in number 5...second page...APPENDIX 2. Mr Leo Fay brilliantly demonstrated in practice what “instruction” looks like. We are grateful to Mr Fay and we have already followed his instruction and launched the website <https://questforjustice.net/>

⁶¹ See APPENDIX 30

Dear Mr Paul X. Comerford and dear Mr Brian Doherty that is the “instruction”Instruction is not what Mr Leo Fay refers to.

After all evidenced above it becomes clear that Mr Leo Fay of Michael J. Kennedy Solicitors from Baldoyle, in number 2 on front page of APPENDIX 2...



contacted us approximately 2.5 years after the incident.

...deliberately violated...

Section 14.- (1) (i)...Solicitors Act 1954⁶².....

Section 50...Legal Services Regulation Act 2015⁶³...

Section 10...Criminal Justice (Theft and Fraud Offences) Act 2001⁶⁴

After all evidenced above it becomes clear that Mr Leo Fay of Michael J. Kennedy Solicitors from Baldoyle, in number 4 on front page of APPENDIX 2...

⁶² See APPENDIX 33

⁶³ See APPENDIX 35

⁶⁴ See APPENDIX 34

pursuant to the Statute of Limitations.

was outside the time allowed

...deliberately violated...

Section 14.- (1) (i)...Solicitors Act 1954⁶⁵.....

Section 50...Legal Services Regulation Act 2015⁶⁶...

Section 10...Criminal Justice (Theft and Fraud Offences) Act 2001⁶⁷

Dear Mr Paul X. Comerford and dear Mr Brian Doherty, it is clearly notable that Mr Leo Fay deliberately violated...

⁶⁵ See APPENDIX 33

⁶⁶ See APPENDIX 35

⁶⁷ See APPENDIX 34

Section 14.- (1) (i)...Solicitors Act 1954 THREE TIMES...

- in number 1 on front page of APPENDIX 2
- in number 2 on front page of APPENDIX 2 and..
- in number 4 on front page of APPENDIX 2

Section 50...Legal Services Regulation Act 2015 THREE TIMES...

- in number 1 on front page of APPENDIX 2
- in number 2 on front page of APPENDIX 2 and..
- in number 4 on front page of APPENDIX 2

Section 10...Criminal Justice (Theft and Fraud Offences) Act 2001 THREE TIMES

- in number 1 on front page of APPENDIX 2
- in number 2 on front page of APPENDIX 2 and..
- in number 4 on front page of APPENDIX 2

October 17, 2023

Respectfully,

The Legal Advisors to Mr 



RL532770223IE

10:20 on 18 October 2023

We delivered your post

Delivered to Paul X. Comerford

an
post



RL532770230IE

10:20 on 18 October 2023

We delivered your post

Delivered to Brian Doherty

We, the legal advisors to Mr [REDACTED] point to these two postal receipts which testify that Paul X. Comerford – Complaints and Resolutions Officer and Brian Doherty – Chief Executive Officer, both of the Legal Services Regulatory Authority received the same file and when they received it. On 21st day **AFTER** the reception Paul X. Comerford brought his decision in form of the collection of criminal offences⁶⁸ and completely ignored undeniable facts and findings of this file – from the first to the last letter – literally everything. That is not acceptable!!!

⁶⁸ See number 1...front page...APPENDIX 31



Private and Confidential

APPENDIX 1

04 October 2023

Our Ref: 23/9389

Your Ref:

Please quote the reference above in all correspondence to this office and refrain from using staples as all documents received are scanned.

Re: Complainant Name: [REDACTED] Practitioner Name: Leo Fay

I refer to the above complaint.

2

1 I enclose a copy of [REDACTED] correspondence from Mr Fay dated 26 September 2023. If you have any [REDACTED] comments you wish to make, I would be obliged to have these within the next 21 days.

I thank you for your assistance and await hearing from you.

Yours sincerely,

Shannon Hallissey

Clerical Officer

(On behalf of Paul Comerford, Complaints and Resolutions Officer)



The [redacted] Baldoyle, Dublin 13
Tel: [redacted]
Fax: [redacted]
DX: [redacted]

LSRA

DUBLIN 7.

Our Ref: LF/HB/PEU101/7278 You Ref23/9389

Date: 26th September 2023

Re: [redacted]

Dear Sirs,

We refer to the above and letter received on the 31st of August 2023 where we note the content of Mr [redacted] letter and in relation to the points raised therein we would say as follows:

[redacted] initially made contact with us in relation to issues with his employer. The incident arose on the 12th of April 2012 and [redacted] contacted us approximately 2.5 years after the incident.

We agreed to raise the issue with his employer given that he had numerous grievances against his then employer in relation to sick pay.

Thereafter the issues developed with regard to injuries, sustained by [redacted] as a result of his treatment at the hands of the person he was assigned to care for, which took place in his client's house in 2012.

We wish to point out that at all times the approaches made to the Irish Wheelchair Association were on the basis of seeking to negotiate some form of settlement given that he was outside the time allowed pursuant to the Statute of Limitations.

We have dealt with all aspects of [redacted]'s claim in a fairhanded manner and made him aware his limited entitlements, which will be at the sole discretion of his former employer.

In relation to the letter of complaint dated the 7th day of July 2023, I can say that when I last met with [redacted] on the day of June 2023 he was very clear that he wanted his case closed, which I understand to mean settled by the end of July 2023. His instructions were that if the case could not be closed by that date he would rely upon legal advice that he is receiving from Lawyers whom he became acquainted with while working for the United Nations. I told [redacted] that I could not give him any guarantees in

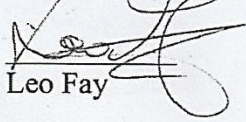
Partners: Michael J. Kennedy, Leo Fay, Fiona Cullivan
Solicitor: Aileen Mollahan
www.mjksolicitors.ie [redacted]

VAT Reg No. 95612440

Received

relation to time limits and it may be more beneficial to pursue the alternate route as suggested by his alternate legal advisers.

Yours Faithfully,


Leo Fay

5

APPENDIX 3

RL 5576 1035 1IE

An Post Retail Receipt

Post Office: 217 Position: 2
Date: 16-Jan-2023 Time: 13:46:07

Trans. Ref. ID 02170207019312
Destination Ireland - 26 Counties
Weight (Parcel) 5.115 kg
RegisteredPost 17.00 EUR

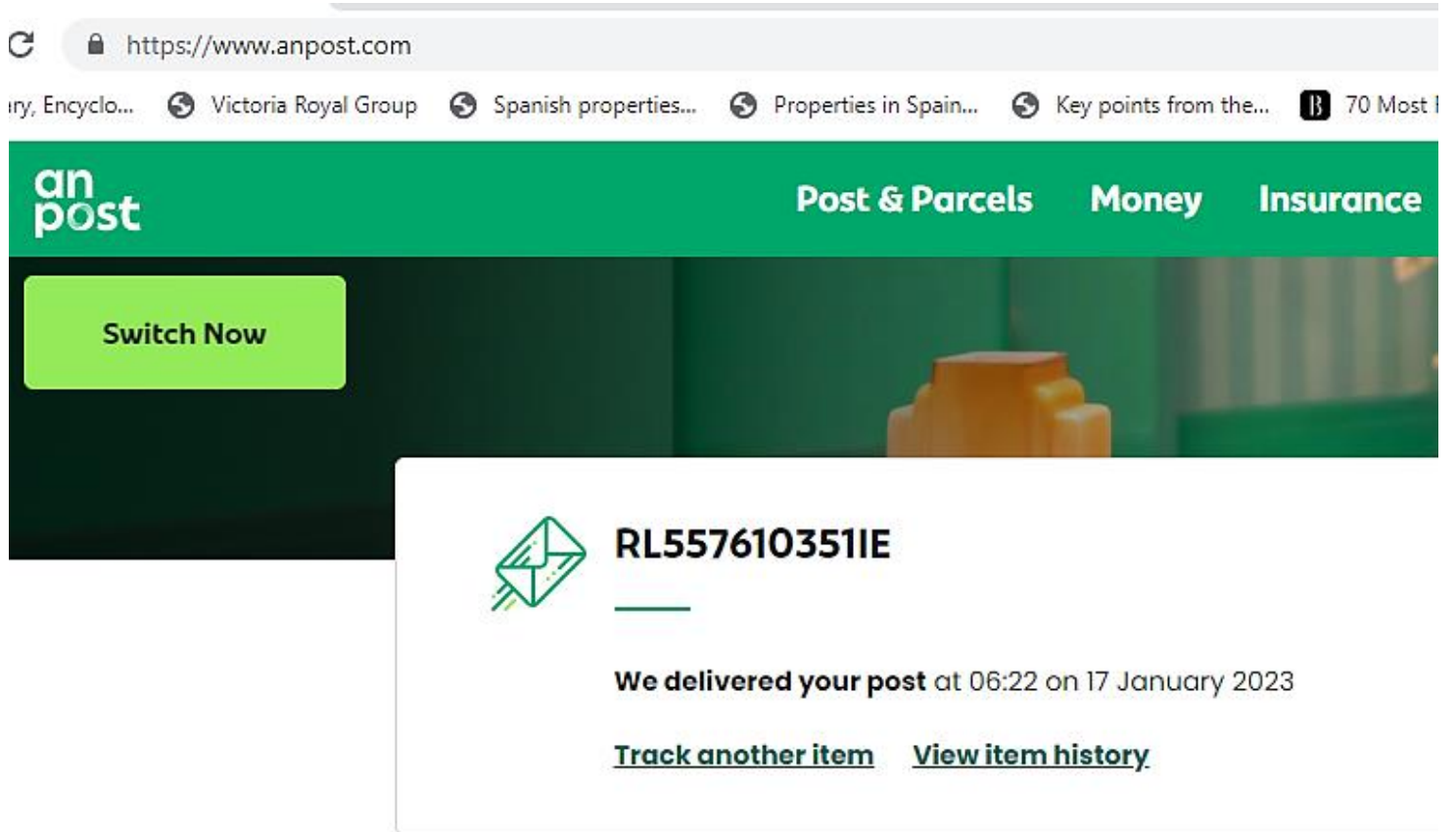
TRACKING NUMBER RL 557 610 351 IE

No Commercial Value

As there has been no value declared on this item, a maximum insured value of 25 EUR will be payable in the event of a successful claim.

Total Amount Paid 17.00 EUR
Payment Method VisaDebit

APPENDIX 3



APPENDIX 3

**an
post**

Proof of Delivery

For your world

Name: JON
Delivery Date: 17 Jan 2023, 06:22
Signature:

A handwritten signature in black ink, appearing to be 'JON', written over a horizontal line.

Barcode (s) : RL557610351IE

APPENDIX 3



Dr. [REDACTED] PhD, MIACP

Counsellor & Psychotherapist

[REDACTED]
Republic of Ireland

e-mail: [REDACTED]

Tel: [REDACTED]

Website: [REDACTED]

26th September 2014

To whom it may concern,

Mr. [REDACTED] first attended my psychotherapy practice on the 11th of December 2013, presenting with severe stress and anxiety, which was subsequently diagnosed as Post-traumatic Stress Disorder (PTSD). This means that his 'Fight or Flight' response (which is caused by the stress hormones cortisol and adrenaline) is chronically activated and unable to switch off. PTSD causes daily anxiety and can have significant deleterious effects on the body, leading to insomnia and pronounced weight loss. Furthermore, this makes Mr. [REDACTED] particularly vulnerable to subsequent stressful events, which under normal circumstances might be dealt with easily but not for those suffering with PTSD. Current research into PTSD has shown that the disorder can last anywhere from months to years and requires regular psychotherapy in addition to participation in stress reduction programs, if it is to be resolved. Mr. [REDACTED] is committed to attending psychotherapy sessions with me in order to alleviate his symptoms and resolve his PTSD, in addition to his work with occupational therapy and the psychiatric unit in the [REDACTED] Health Centre.

Mr. [REDACTED]'s PTSD is a result of prolonged and sustained abuse (that culminated in the accident on 2nd August 2012) by a single individual whom he worked for (as part of the Irish Wheelchair Association). His symptoms began soon after leaving his employer in August 2012, which is commonly the case with PTSD. Unfortunately, it is not possible to determine when the symptoms of PTSD will subside; it is dependent on individual susceptibility to stress. It is hoped that with continued support Mr. [REDACTED] will recover eventually. This means that for the time being Mr. [REDACTED] is unable to withstand the common stresses of the standard work environment and therefore not in a position to gain employment.

Sincerely,

[REDACTED]

Dr. [REDACTED] (PhD)

APPENDIX 5

SEPTEMBER 2020 – ANALYSIS ONE REVISED VERSION

Figure 36

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH		SOCIAL WELFARE APPEALS OFFICE
[Redacted]		
31 August 2015		
Appeal No: 15/06101		
PPS No: [Redacted]		
Appeal Type: OIB Disablement		
[Redacted]		
I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:		
"The appeal is allowed."		
A note on the reasons for the Appeals Officers decision is set out hereunder.		
"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."		
A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.		
Yours sincerely 		
Laura Bourke, Clerical Officer		
OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH	SWAO11 SOCIAL WELFARE APPEALS OFFICE	
[Redacted]		

1

APPENDIX 6

MAY 2022 - ANALYSIS MAY 2022
APPENDIX SIX



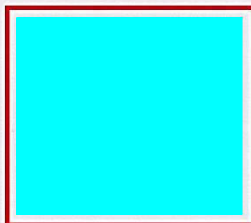
Department of Social Protection - An Roinn Coimirce Sóisialaí

Social Welfare Services, [redacted] Longford

Direct Line: [redacted] LoCall: [redacted]

9

25/11/2015



11

6

4

12

Your Reference: [redacted]

I refer to your claim for Disablement Benefit in respect of an accident on 2/8/2012

A decision, based on a FINAL assessment, has resulted in the following being awarded to you:

A Life Pension at the weekly rate of: * €43.80

1

With effect from: 19/9/2014

2

Based on a 'Loss of Faculty' of: 20 %

3

*may be subject to Budgetary changes

This pension will be issued by your selected method of payment. If you were previously on a higher rate of pension, there will be no arrears due. However, if you were on a lower rate, or not paid before this, there may be arrears due, which will issue separately.

Please note that Disablement Pensions are liable for tax under Revenue legislation.

7

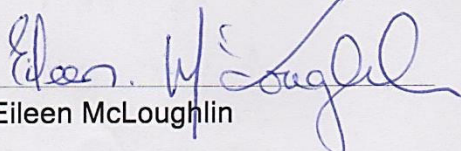
If you are unhappy with this decision, you may appeal it by writing to the Social Welfare Appeals Office, [redacted] Dublin 2, within 21 days of the date of this letter. You must state clearly the grounds of your appeal. Any medical evidence which you wish to furnish in support of your appeal, should be attached. It would be helpful if you could forward a copy of this decision letter with your appeal.

Please find enclosed a booklet with further information

8

Yours sincerely

10


Eileen McLoughlin

5

Disciplinary Policy &
Procedure enclosed

Private & Confidential

10th August 2012

I am writing in connection with your email dated 7th August 2012 regarding your interactions with [redacted] on Thursday 2nd August 2012.

I wish to advise you that an investigation will be conducted into this matter in accordance with the Association's Disciplinary Policy and Procedure, a copy of which is enclosed for information purposes. This will be conducted by Karen Dempsey (Support Worker) and me, Anne Lowry (Area Manager). In this regard, we would welcome the opportunity to meet with you to discuss events which occurred on 2nd August 2012.

I would therefore like to invite you to a meeting on Monday 20th August 2012 at 11.00am in IWA premises, Blackheath Drive, Clontarf, Dublin 3. If you so wish, you may be accompanied to the meeting by a representative of your choice.

If you have any queries in relation to the above, please let me know.

Yours sincerely,

Anne Lowry

**Anne Lowry
Area Manager**

APPENDIX 8

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

particularly by reference to the specialist evidence, (see
APPENDIX TEN)

APPENDIX 9

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021 APPENDIX TEN

OIFIG ACHOMHAIRC
LEASA SHÓISIALAIGH



SOCIAL WELFARE
APPEALS OFFICE

31 August 2015

Appeal No: 15/06101
PPS No: [REDACTED]
Appeal Type: OIB Disablement

Dear [REDACTED]

I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:

"The appeal is allowed."

A note on the reasons for the Appeals Officers decision is set out hereunder.

"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."

A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.

Yours sincerely

Laura Bourke, Clerical Officer

SWAO11

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH

SOCIAL WELFARE APPEALS OFFICE

APPENDIX 10

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

ALLOW MY APPLICATION (see APPENDIX TEN)

APPENDIX 11

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

CIRCUMSTANCES OF HIS APOLOGY – “I MUST CONSIDER...” (see APPENDIX
TEN)

APPENDIX 12

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

He (see APPENDIX TEN) writes.....

APPENDIX 13

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

(see APPENDIX TEN) pointed to document on page 9 in APPENDIX SIX of April 2021 file

APPENDIX 14

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

findings testify on it in APPENDIX TEN.



APPENDIX 15

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

All this is undeniable evidence that management of Irish Wheelchair Association FULLY APPROVED and UNCONDITIONALLY SUPPORTED⁹³.....

⁹⁴ See APPENDIX TEN

APPENDIX 16

MAY 2022 - ANALYSIS MAY 2022
APPENDIX NEWBRIDGE

OIFIG ACHOMHAIRC
LEASA SHÓISIALAIGH



SOCIAL WELFARE
APPEALS OFFICE

31 August 2015

Appeal No: 15/06101

PPS No: [REDACTED]

Appeal Type: OIB Disablement

I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:

"The appeal is allowed."

5

1

A note on the reasons for the Appeals Officers decision is set out hereunder.

"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."

A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.

2

3

Yours sincerely

4

6


Laura Bourke, Clerical Officer

7

SWAO11

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH

SOCIAL WELFARE APPEALS OFFICE

www.socialwelfareappeals.ie

r-phost/e-mail: [REDACTED]

facs/fax: [REDACTED]

APPENDIX 17

ANALYSIS APRIL 2021 - APPENDIX TEN

OIFIG ACHOMHAIRC
LEASA SHÓISIALAIGH



SOCIAL WELFARE
APPEALS OFFICE

31 August 2015

Appeal No: 15/06101

PPS No: [REDACTED]

Appeal Type: OIB Disablement

I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:

"The appeal is allowed."

A note on the reasons for the Appeals Officers decision is set out hereunder.

"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."

A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.

Yours sincerely

Laura Bourke, Clerical Officer

SWAO11

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH

SOCIAL WELFARE APPEALS OFFICE

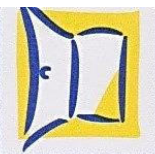
The appeals officer at the later stage, by force of law, had to correct⁴ and corrected what happened (see APPENDIX TEN).

FURTHER, CHIEF
APPEALS OFFICER IN HIS DECISION IN NO A SINGLE WORD REFERS TO

APPENDIX 19

ANALYSIS APRIL 2021 - APPENDIX TEN

OIFIG ACHOMHAIRC
LEASA SHÓISIALAIGH



SOCIAL WELFARE
APPEALS OFFICE

31 August 2015

Appeal No: 15/06101

PPS No: [REDACTED]

Appeal Type: OIB Disablement

Dear [REDACTED]

I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:

"The appeal is allowed."

A note on the reasons for the Appeals Officers decision is set out hereunder.

"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."

A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.

Yours sincerely

Laura Bourke, Clerical Officer

SWAO11

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH

SOCIAL WELFARE APPEALS OFFICE

In appendix ten it is notable that

apart from what is quoted in the APPENDIX TEN,

Ms Laura Bourke, clerical officer of the Appeals office, in APPENDIX TEN, writes that....

(see APPENDIX TEN)

still lasting and it is not known whether the illness will ever end or not (see APPENDIX TWENTY TWO, APPENDIX TWENTY THREE, APPENDIX TEN)

APPENDIX 22

ANALYSIS APRIL 2021

It is
officially proved (see APPENDIX TEN) that all of this is the direct consequence of the
inhumanity and bullying I was exposed to in the Irish Wheelchair Association.

⁵⁰ See nr 1....APPENDIX NEWBRIDGE and see also APPENDIX TEN

APPENDIX 24

What are the time limits for different areas of law?

- **Personal Injury Claim – 2 years**
- **Medical Negligence Claim – 2 years**
- **Sexual Abuse – 6 years**
- **Assault including sexual assault – 6 years**
- **Professional Negligence – 6 years**
- **Breach of Contract – 6 years.**

Statute of Limitations for personal injury

The period in which a person can bring a claim for personal injury is **two years less than one day**. The clock starts running from the date of knowledge. The date of knowledge is the date on which the injured person became aware they were injured; it was a significant injury, and it was caused by the negligence of the party at fault. Often this date will be the day of the actual accident, however, in some cases, an injury does not manifest itself immediately after the relevant incident.

1.1 Exceptions

There are some circumstances in which the applicable time limit may be altered, such as:

- Where the injured party has suffered a mental impairment as a result of their injury

How long do you have to file a personal injury claim?

The general rule is that you have a two-year period from the date of the accident or injury to initiate legal proceedings. However, there are specific situations that might affect this starting point:

- Minor at the time of the injury: If the injured party was under 18 at the time of the accident, the two-year period begins on their 18th birthday.
- Delayed knowledge of the injury: Sometimes, the full extent or nature of the injury might not be immediately apparent.
- Incapacity: If the injured person was incapacitated in some way, such as being in a coma or lacking the mental capacity to manage their affairs.

APPENDIX 25

Statute of Limitations time limit:

Other than the extra 6 months afforded to you from the date of the release of your PIAB assessment (if applicable), The Statute of Limitations Act 1957 requires that your court proceedings are issued **2 years less 1 day** from the date of injury.

If the injured party is a child, a parent or guardian can issue proceedings on the child's behalf at **any point in time up until the child's 18th birthday**. After which, the young adult can issue their court proceedings in their own right 2 years less 1 day from the date of their 18th birthday.

Exceptions to the time limit:

- Date of knowledge

Sometimes, an injury or illness may not become noticeable until a while after the incident occurred. This is when the date of knowledge can become the start date for the timeline for issuing proceedings. The date of knowledge is the date on which you were aware of the following:

1. You had been injured
2. The injury was significant
3. The injury was caused by the negligence of another person or party
4. You were able to identify who that person or party was

- When the injured party is mentally impaired as a result of sustaining their injury

- When the injury sustained is of such a serious nature, that the injured party was rendered incapable of making a claim. The 2 year less 1 day time limit commences on the date that the person is deemed well enough to make a claim.
- Misdiagnosis of an illness. The 2 year less 1 day time limit commences on the date of the correct diagnosis.

RE: [REDACTED]

Leo Fay

Thu 27/06/2013 16:49

To: [REDACTED]

Thanks [REDACTED]

I added this to **the file** and would need more details in which way line manager put you out of his house and took his key from you.

Regards,

Leo

From: [REDACTED]

Sent: 27 June 2013 14:17

To: Leo Fay

Subject: [REDACTED]

Hi Leo,

In the attachment you can find document confirming that the line manager of Irish Wheelchair Association expelled me from work.

All the best,
[REDACTED]

APPENDIX 27

RE: [REDACTED]

Leo Fay

Mon 24/10/2016 12:57

To: [REDACTED]

Thanks for documents [REDACTED],

I note nature of the injury. In the Statute of Limitations time limit does not apply to your psychological-mental injury.

Leo

From: [REDACTED]

Sent: 24 October 2016 10:17

To: Leo Fay

Subject: [REDACTED]

Hi Leo, please find in the attachment my appeal and the Appeals Officer decision of 31st August last year. Leo, I would love to hear your opinion.

[REDACTED]

APPENDIX 28

Also at

Donabate, Co. Dublin (By Appointment)

APPENDIX 29

Our Ref: LF/AC/

Date: 23 December 2015

Re: Employment matter

Thank you for instructing this firm to act on your behalf in respect of the above mentioned matter.

I, and everyone here at Michael J. Kennedy & Company, Solicitors will do our best to see that everything proceeds as smoothly as possible.

1. **Responsibility for the work**

I shall carry out most of the work in this matter personally, but you can also contact another member of staff if there is an urgency, who can access the files through our file management system and endeavour to help you. If he or she is unable to help you her/himself, he/she will be pleased to take a message for you.

We aim to offer all of our clients an efficient and effective service and I am confident that we will do so in this case. However, should there be any aspect of our service with which you are unhappy, and which we cannot resolve between ourselves, you may raise the matter with Michael J. Kennedy, the Senior Partner.

2. **Fees**

Our charges will be calculated mainly by reference to the time spent by me or any other solicitors and executive staff dealing with this matter. This includes advising, attending on you and others, dealing with papers, correspondence, telephone calls, travelling and waiting time. Unless otherwise advised, our fee per hour is €250.00 and does not include VAT which will be added to the bill.

As I have said, I will carry out most of the work in this matter personally and as time goes on the charge rates I have quoted may be reviewed and therefore if this matter has not been concluded within a twelve month period when the next review will take place, fees may rise. I shall let you know the new rates which will apply to work done from then as soon as they have been set.

In matters such as this, it is difficult to estimate how many hours of work will be necessary to complete the matter. At the present time, I estimate that in the region of 10 hours' work will be required. However, this estimate may change as the matter proceeds and it becomes clearer how much time is likely to be needed. I will let you know if it becomes apparent that we will have to spend substantially more time on this matter than I have currently estimated.

3. Terms of business

It is normal practice to ask clients to make payments on account of anticipated costs and disbursements. It is helpful if you can meet requests promptly but if there is any difficulty please let me know as soon as possible.

As a general rule our bill will be delivered for payment following completion of the matter but where matters carry on for a protracted period of time or we incur substantial outlays, we reserve the right to furnish an interim account. In every case we will furnish a detailed invoice setting out the work done and the time allocation for that work and relevant outlays.

I am sure you will understand that in the event of a payment not being made, we must reserve the right to decline to act any further and that the full payment for the work done up to that date will be charged to you. Accounts should be settled within 30 days. Interest will be charged on bills that are not paid within that time at 10%. In relation to conveyancing matters our fee is deducted from the loan cheque or other monies furnished to this office prior to completion of the transaction. Once the transaction has completed a receipted invoice and statement of account will be furnished.

4. Agreement

The charges set out above are an estimate based on the information that I have at present and I will inform you in writing if any difficulties arise or if anything occurs which makes it necessary to review this estimate. They do not constitute a contentious business agreement – which would have the effect of restricting your rights to challenge them – and if you are not satisfied at the conclusion of this matter, you may seek to challenge them by way of reference to the Law Society or taxation.

5. Termination of Retainer

You should be aware that there are certain circumstances where our retainer to act on your behalf may be determined as follows:-

- a) By you if you withdraw instructions but we will be entitled to be paid for all work done up to the date of withdrawal instructions on a quantum meruit basis and we may have a lien over certain documents belonging to you until our reasonable charges have been paid.
- b) Where we cannot continue to act on your behalf without breaking the law.
- c) Where we cannot continue to act on your behalf without being in breach of the rules of conduct as laid down by the Law Society.
- d) Where there is a serious breakdown of confidence between our firm and yourself.

e) Where you fail to pay an interim bill in respect of fees or outlays.

6. Limitation of Liability

We confirm that this firm holds professional indemnity insurance up to a sum of €1,500,000.00 in respect of any one matter and this letter constitutes formal notice to you of such limit on our professional indemnity liability pursuant to Section 44 of the Civil Law (Miscellaneous Provisions) Act 2008.

7. Closing Date

Please note the closing date for this transaction may vary and the agreed closing date in the Contract for Sale or other correspondence may be exceeded from time to time. We shall accept no liability as a result of variations of the closing date due to factors outside of our control.

8. Email Correspondence

Unless we hear from you to the contrary, we may use internet email to communicate with you and others in relation to any matter. This carries certain risks. We do not accept responsibility for any loss that you suffer as a result of our use of internet email. Please note that emails sent by you to this firm or instructions contained in such emails shall not be deemed to be received until such time as you receive an acknowledgement of receipt of said email.

9. Conflicts

We will not act for any other client on any matter on which we are acting for you unless we have your express agreement that we may do so or where we are involved in transactional work for you expressly on a non-exclusive basis.

The interests of another client of the firm and your own may conflict in any number of circumstances. When this arises, we will, to the extent that we are legally able to do so, consult with you as to the appropriate course of action.

If you are aware of any reason why we should not act for you, then it is your responsibility to tell us. In particular, you must inform us of the names of all persons who may be involved in or connected to your matter so that we may carry out a conflict of interest search.

10. Other Matters

- It is our normal practise to destroy our correspondence files, draft documents and other papers that are more than 12 years old. Original Deeds and Wills are not destroyed, and can be stored in our safekeeping room at an annual charge, if you so instruct. In the absence of contrary instructions, we will assume that you are content with this arrangement.
- It may be necessary during the course of the matter to instruct one or more experts outside the firm, such as accountants, consultants or specialist counsel. We will discuss this with you at the appropriate time, including who might be suitable and the

costs likely to be involved. You will be their client and you will be responsible for paying their costs and expenses.

- Our advice will relate to the laws and procedures which operate in Ireland only. It is intended that legal proceedings should be issued against the Firm (or any person or entity for which the Firm is or is alleged to be responsible), the Firm may at its election require the relevant dispute, difference or claim to be referred to arbitration by notice in writing to that effect. If, the claimant issues any legal proceedings, the Firm may still elect for arbitration by notice to that effect given to the claimant and to the claimants lawyers named in the proceedings (if any) within 21 days of service of the proceedings on the Firm, in which event the claimant will take no further steps in the proceedings other than to procure the dismissal or stay of the proceedings. Where the Firm has given notice that it has elected for the dispute, difference or claim to be referred to arbitration, it will be referred to and resolved by a single arbitrator in accordance with the Arbitration Acts 1954 to 1998 such arbitrator to be appointed by agreement within 14 days of the parties or, failing agreement within 14 days as may be nominated on the request of either party by the president of the time being of the Law Society of Ireland. The laws of Ireland shall apply. The place of the arbitration shall be Dublin.

Before we take further steps on your behalf we would be grateful if you would sign and return to us the enclosed duplicate of this letter as an acknowledgement of your understanding and acceptance of these terms. We will also require, in order to comply with our internal file opening procedures the following documentation to verify your ID, address, PPS number and marital status:

- **ID--** - Passport, Drivers Licence or Garda ID
- **Address--** Utility bill, Bank Statement, or other official correspondence from a Government Department, dated within the last 3 months
- **PPS number- & tax type-** correspondence from the Revenue Commissioners, Department of Social Welfare. Tax Credit Certificate, P60 etc
- **Marriage Certificate-** if you are married, we will require a copy of your State marriage certificate, and if applicable, copies of any Separation Agreement, Deed of Waiver, Court Orders in relation to Judicial Separation or Divorce.

I know this matter seems formal, but as I am sure you understand, it is our policy to enter into a written engagement letter with our clients in order to avoid any misunderstandings. We very much appreciate the opportunity to represent you and look forward to working with you in respect of this matter and hopefully into the future.

Many thanks again for your instructions in the matter.

Yours sincerely,

Michael Kennedy
MICHAEL J KENNEDY & COMPANY

I [REDACTED] hereby acknowledge having read the foregoing fee agreement letter and terms and conditions and accept on that basis the legal representation of Michael J. Kennedy & Company Solicitors as described above and agree to be bound by the terms of this letter.

Dated : 30.12.2015

Signed : [REDACTED]
[REDACTED]

APPENDIX 30

instruction

noun

UK  /ɪnˈstrʌkʃən/ US 

► instructions

Add to word list 

[plural]

written advice and information about how to do or use something:

- *Please **read the instructions** carefully.*
- ***Follow the instructions** given below to activate your card.*
- **clear/detailed/step-by-step instructions** *The furniture comes with detailed instructions about how to assemble it.*
- **assembly/installation instructions** *The first step is following the installation instructions as well as the on-screen requests from the program.*

+ 



Private and Confidential

APPENDIX 31

1

08 November 2023

Our Ref: 23/9389

Please quote the reference above in all correspondence to this office and refrain from using staples as all documents received are scanned.

Re: Complaint made to the Legal Services Regulatory Authority (LSRA) against Mr Leo Fay

I refer to the above and to previous correspondence on this matter.

I have conducted a preliminary review of your complaint and considered all the documentation provided by you and Mr Leo Fay. Having done so, I have determined that your complaint is inadmissible. This means that the complaint does not meet the criteria set out in the Legal Services Regulation Act 2015 ("the Act"), which would allow us to investigate it. The rationale for this decision is set out on the attached document.

I have written to Mr Leo Fay to advise him of the decision.

The LSRA will take no further action in respect of this complaint. The decision does not impact on any other legal rights, available to you or prohibit you exercising those rights.

The LSRA appreciates that you are likely to be disappointed with our decision, but please be assured that your complaint was given full consideration. The Act does not allow for an appeal of the admissibility decision. However, if you are not satisfied with the administrative actions of the LSRA in dealing with your complaint, it is open to you to complain to the Office of the Ombudsman.

The Ombudsman provides an impartial, independent and free service. The role of the Ombudsman is to consider whether a complaint has been dealt with in accordance with the procedures set out in the Legal Services Regulation Act 2015. The Ombudsman cannot examine the actions of the solicitor and it is not an appeal of the admissibility decision but a review of the administrative actions of the LSRA in dealing with your complaint. If you are making a complaint you should provide the Ombudsman with a copy of this decision letter.



An tÚdarás Rialála
Seirbhíse Dlí
Legal Services
Regulatory Authority

You can make your complaint online using the complaint form on www.ombudsman.ie
alternatively, you can make your complaint in writing or in person to: Office of the Ombudsman, [REDACTED],
[REDACTED], Dublin 2, [REDACTED]; Phone: [REDACTED]

Yours sincerely,

Paul Comerford
Complaints and Resolutions Officer



Admissibility

Case Reference: 23/9389

Complainant Name: [REDACTED]

Practitioner Name: Leo Fay

Having conducted a preliminary review for the purposes of section 57 of the Legal Services Regulation Act 2015, I determine the complaint to be inadmissible.

Description of complaint and categorisation

On 9th August 2023 [REDACTED] made the following allegations against Mr William O Connor, a solicitor:

- ‘- They have done nothing’
- *Raised issues with non-compliance with GDPR*
- *Gave instructions for the case to be closed by end of July 2023*

On the 26th of September Leo Fay provided a reply to the allegations

Point 1

‘- They have done nothing’

“[REDACTED] initially made contact with us in relation to issues with his employer. The incident arose on the 12th April 2012 and [REDACTED] contacted us approximately 2.5 years after the incident”

....“We wish to point out that that all times the approaches made to the Irish Wheelchair Association were on the basis of seeking to negotiate some form of settlement given that he was outside the time allowed pursuant to the statute of limitations”.

Having reviewed the documentation provided by [REDACTED] it is clear that the Legal Practitioner made efforts to progress this case but was constrained by the requirements of the Statute of Limitations in such matters. Delays caused in progressing the case occurred prior to the involvement of the Legal Practitioner.

Point 2

- *Raised issues with non-compliance with GDPR*



Mr Fay did not address the issue of non-compliance with requirements in relation to GDPR requests.

Issues pertaining to the requirements of Legal Practitioners to comply with GDPR requests fall under the auspices of the Data Protection Commissioners. Any findings of the Data Protection Commissioners should then be forwarded to the LSRA to assist in substantiating complaints. I could not find any reference to any correspondence to or from the Data Protection Commissioners in any of the documentation provided.

Point 3

Gave instructions for the case to be closed by end of July 2023

Mr Fay replied "...I last met [redacted] on the day of June 2023 he was very clear he wanted his case closed, which I understand to mean settled by the end of July 2023. His instructions were that if the case could not be closed by that date he would rely upon legal advice that he was receiving from Lawyers whom he became acquainted..

It is clear from the documentation that this instruction was provided by [redacted] that he was relying on advice from other lawyers and that certain ultimatums were issued as a result. Once this one month deadline passed and Mr Fay (as he perceived it) didn't "settle" the case. [redacted] lodged his complaint to the LSRA. It is far beyond the remit of a Legal Practitioner to solely settle a case with in a month, however a case can be closed where the complainant simply instructs that no further action be made. As such it is the responsibility of the complainant, (in this case [redacted]) to close a case by instruction. There is no evidence to suggest that Mr Fay did not follow this instruction.

With regard to admissibility, the following determinations arise from the preliminary review, on the basis of the information and documentation provided.

The Authority is of the opinion that the complaint is without substance or foundation as having completed a review of all of the documentation supplied there is no evidence to support the allegations and there is no reasonable prospect that the complaint can be proven.

Signed: Paul Comerford

Position: Complaints and Resolutions Officer

Date: 8th November 2023

RE: [REDACTED]

Leo Fay

Mon 24/10/2016 12:57

To: [REDACTED]

Thanks for documents [REDACTED],

I note nature of the injury. In the Statute of Limitations time limit does not apply to your psychological-mental injury.

Leo

From: [REDACTED]

Sent: 24 October 2016 10:17

To: Leo Fay

Subject: [REDACTED]

Hi Leo, please find in the attachment my appeal and the Appeals Officer decision of 31st August last year. Leo, I would love to hear your opinion.

[REDACTED]

APPENDIX 32

Home > Acts > 1954 > Solicitors Act, 1954

APPENDIX 33

Solicitors Act, 1954



Number 36 of 1954.

SOLICITORS ACT, 1954.

ARRANGEMENT OF SECTIONS

PART I.

Preliminary and General.

Section

1. Short title.
2. Commencement.
3. Interpretation.
4. Performance of functions of Society.
5. Regulations generally.
6. Delegation by Chief Justice.
7. Repeals.

PART II.

The Registrar of Solicitors and the Roll of Solicitors.

8. Registrar of solicitors.
9. Roll of solicitors.
10. Admission and enrolment.
11. Limitation of time for certain applications to strike off roll.
12. Notification of death.

PART III.

The Disciplinary Committee.



Limitation of time for certain applications to strike off roll. **11.—**(1) A solicitor shall not be liable to have his name struck off the roll on account of a defect in his indentures of apprenticeship, or in the registration thereof or his service thereunder, or in his admission and enrolment, unless the application to strike his name off the roll is made within twelve months after the date of his enrolment.

(2) Subsection (1) of this section shall not apply where fraud is proved to have been committed in connection with the indentures, registration, service, admission or enrolment.

Notification of death. **12.—**A registrar of deaths shall, where an entry is made in the register of deaths concerning a person whose name is on the roll, forthwith send by post to the registrar a certified copy of the entry, and may charge the cost of the certificate and of the sending thereof to the registrar as an expense of his office of registrar of deaths.

PART III.

The Disciplinary Committee.

Disciplinary Committee. **13.—**(1) The Society shall appoint annually, from among members of the Council and such former members of the Council as are practising as solicitors, a disciplinary committee (in this Act referred to as the Disciplinary Committee) consisting of not less than seven and not more than ten persons.

(2) The Society may remove a member of the Disciplinary Committee, may fill a vacancy therein and, subject to the limits stated in subsection (1) of this section, may increase or reduce the number of persons thereon.

(3) The members of the Disciplinary Committee shall go out of office on their successors being appointed under subsection (1) of this section, but any such member shall be eligible for reappointment.

(4) The Disciplinary Committee may act notwithstanding one or more than one vacancy in their membership.

(5) The quorum of the Disciplinary Committee shall be five.

(6) An appointment or removal under subsection (1) or (2) of this section shall not be made save with the approval of the Chief Justice.

Applications to Disciplinary Committee. **14.—**(1) The following applications shall be made to the Disciplinary Committee:

(a) an application by a solicitor to procure the removal of his name from the roll,

(b) an application by another person or the Society to strike the name of a solicitor off the roll on any of the following grounds:



(i) that the solicitor has been guilty of misconduct, including conduct tending to bring the solicitors' profession into disrepute,

(ii) that the solicitor has contravened a provision of this Act or of an order or regulation made under this Act,

(iii) that the solicitor has been convicted of treason or of a felony or misdemeanour or has been convicted outside the State of a crime or offence which would be a felony or misdemeanour if committed in the State,

(c) an application to require a solicitor to answer allegations contained in an affidavit,

(d) an application for replacement on the roll of a name which has been removed from or struck off the roll.

(2) An application under this section shall be in writing, shall be signed by the applicant and shall be sent to the Disciplinary Committee together with—

(a) an affidavit by the applicant setting forth the matters relied on in support of the application, and

(b) the documents relied on in support of the application or copies of those documents.

(3) The Chief Justice or any judge of the High Court may, notwithstanding anything contained in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not been passed.

Procedure where
solicitor applies for
removal of his name
from roll.

15.—Where an application under paragraph (a) of subsection (1) of section 14 of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—

(a) if they decide that the applicant is entitled to have his name removed from the roll without further inquiry, they shall order accordingly,

(b) if they decide that there is cause for inquiry, they shall hold an inquiry.

Procedure where
charge is made against
solicitor.

16.—(1) Where an application under paragraph (b) or (c) of subsection (1) of section 14 of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—

(a) if they decide that a *prima facie* case has not been shown, they shall so notify the applicant and the solicitor and shall take no further action,



APPENDIX 34

[2001.] *Criminal Justice (Theft and Fraud Offences) Act, 2001.* [No. 50.]

(6) A person who is arrested pursuant to this section by a person other than a member of the Garda Síochána shall be transferred by that person into the custody of the Garda Síochána as soon as practicable. Pt.2 S.8

(7) A person guilty of an offence under this section is liable on conviction on indictment to a fine not exceeding £3,000 or imprisonment for a term not exceeding 2 years or both.

9.—(1) A person who dishonestly, whether within or outside the State, operates or causes to be operated a computer within the State with the intention of making a gain for himself or herself or another, or of causing loss to another, is guilty of an offence. Unlawful use of computer.

(2) A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

10.—(1) A person is guilty of an offence if he or she dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another— False accounting.

- (a) destroys, defaces, conceals or falsifies any account or any document made or required for any accounting purpose,
- (b) fails to make or complete any account or any such document, or
- (c) in furnishing information for any purpose produces or makes use of any account, or any such document, which to his or her knowledge is or may be misleading, false or deceptive in a material particular.

(2) For the purposes of this section a person shall be treated as falsifying an account or other document if he or she—

- (a) makes or concurs in making therein an entry which is or may be misleading, false or deceptive in a material particular, or
- (b) omits or concurs in omitting a material particular therefrom.

(3) A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

11.—(1) A person is guilty of an offence if he or she dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court or any government department or office. Suppression, etc., of documents.

- (2) (a) A person who dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, by any deception procures the execution of a valuable security is guilty of an offence.

(b) *Paragraph (a)* shall apply in relation to—

APPENDIX 35

PT.6 S.49 [No. 65.]

Legal Services Regulation Act 2015.

[2015.]

- (b) a reference to an amount of costs sought by a legal practitioner in respect of the provision of legal services means an amount of costs specified in a bill of costs issued by the legal practitioner concerned, and
- (c) a reference to the resolution of a matter in an informal manner includes a reference to the referral of the dispute concerned to mediation or other appropriate form of dispute resolution.

Misconduct by legal practitioners

50. (1) For the purposes of this Act, an act or omission of a legal practitioner may be considered as constituting misconduct where the act or omission—

- (a) involves fraud or dishonesty,
 - (b) is connected with the provision by the legal practitioner of legal services, which were, to a substantial degree, of an inadequate standard,
 - (c) where occurring otherwise than in connection with the provision of legal services, would justify a finding that the legal practitioner concerned is not a fit and proper person to engage in the provision of legal services,
 - (d) consists of an offence under this Act,
 - (e) in the case of a solicitor, consists of a breach of the *Solicitors Acts 1954 to 2015* or any regulations made under those Acts,
 - (f) in the case of a solicitor, consists of an offence under the *Solicitors Acts 1954 to 2015*,
 - (g) in the case of a barrister, is likely to bring the barristers' profession into disrepute,
 - (h) in the case of a solicitor, is likely to bring the solicitors' profession into disrepute,
 - (i) in the case of a legal practitioner who is a managing legal practitioner of a multi-disciplinary practice, consists of a failure by him or her to comply with his or her obligations under this Act as a managing legal practitioner (within the meaning of *Part 8*),
 - (j) consists of the commission of an arrestable offence,
 - (k) consists of the commission of a crime or offence outside the State which, if committed within the State, would be an arrestable offence,
 - (l) consists of seeking an amount of costs in respect of the provision of legal services, that is grossly excessive,
 - (m) consists of a breach of this Act or regulations made under it, or
 - (n) consists of a contravention of *section 215(1)*.
- (2) In determining whether an act or omission referred to in *paragraph (l)* of *subsection (1)* should be considered as constituting misconduct, the Authority, the Complaints Committee, the Disciplinary Tribunal or, as the case may be, the High Court may have regard to—

- (a) the amount by which or the extent to which the amount claimed in the bill of costs was found to be excessive,
 - (b) whether in the particular circumstances of the legal services performed the amount of the bill of costs appears to be unconscionable, and
 - (c) whether or not a Legal Costs Adjudicator has found the costs charged to be grossly excessive.
- (3) In this section “arrestable offence” has the same meaning as it has in the Criminal Law Act 1997.

Complaints under *Part 6*

51. (1) A client of a legal practitioner, or person acting on behalf of such a client, may make a complaint to the Authority in respect of a legal practitioner where the client considers that—

- (a) the legal services provided to the client by the legal practitioner were or are of an inadequate standard, or
 - (b) an amount of costs sought by the legal practitioner in respect of legal services provided to the client by the legal practitioner was or is excessive.
- (2) A person may make a complaint to the Authority in respect of a legal practitioner where the person considers that an act or omission of the legal practitioner constitutes misconduct.
- (3) Subject to *section 52*, on or after the coming into operation of this Part, a complaint may be made to the Authority only.
- (4) An officer of the Authority, having considered an interim report or a report of an inspector under *Part 3*, may make a complaint under *subsection (2)* in respect of the legal practitioner concerned.
- (5) Subject to *subsection (6)*, where the Law Society, in the performance by it of its functions under the *Solicitors Acts 1954 to 2015*, forms the opinion that an act or omission of a solicitor constitutes misconduct, it shall, in such manner as may be prescribed, notify the Authority of its opinion, and such notification shall be deemed to be a complaint made by the Law Society under *subsection (2)*.
- (6) *Subsection (5)* shall not apply where—
- (a) the opinion of the Law Society is that the act or omission concerned constitutes a breach of the Solicitors Accounts Regulations, or
 - (b) the Law Society is investigating, or proposes to investigate, a suspected breach of the Solicitors Accounts Regulations and is of the opinion that the circumstances of the act or omission means that it should be investigated by it as part of the investigation of the suspected breach.
- (7) The Authority, on receipt of a complaint that is made in respect of a solicitor (other than a complaint made by the Law Society), shall notify the Law Society of the complaint, which notification shall be accompanied by any documents relating to the

APPENDIX 36

Meaning of **suggest** in English

f X

suggest

verb [T]

UK  /səˈdʒest/ US  /səˈdʒest/

suggest verb [T] (MENTION)

Add to word list 

B1

to mention an idea, possible plan, or action for other people to consider:

- *I suggested an Italian restaurant near the station for the party.*
- formal *Might I suggest a white wine with your salmon, sir?*
- [+ (that)] *I suggest (that) we wait a while before we make any firm decisions.*
- *Liz suggested (that) I try the shop on Mill Road.*
- [+ -ing verb] *I suggested putting the matter to the committee.*
- [+ question word] *Can you suggest where I could buy a dozen roses?*

— Fewer examples

- *I suggest we use Barkers as our main suppliers - they're good and furthermore they're cheap.*
- *I suggested that we should meet, and they agreed .*
- *She suggested half-jokingly that they should sell the family car and all buy bikes instead.*
- *They'd laugh in your face if you suggested me for the post.*
- *They suggested we meet up at Mustafa's.*

+ SMART Vocabulary: related words and phrases

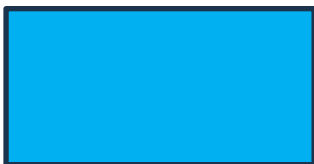
suggest verb [T] (SHOW/EXPRESS)


+ 

APPENDIX 37

If the case is closed⁵ within fourteen days after reception of this letter (that will be confirmed by the An Post receipt) – this request for access to personal information can be ignored providing that no new evidence is reached as the inquiry is continuing and any new exhibit will change the circumstances. However, if the case is closed within fourteen days (not in accordance with the power of undeniable exhibits) or if the case is not closed within fourteen days this request for access to personal information remains in effect and we start, in phases, uploading ALL the material to internet as soon as possible. First, as we have already pointed out, the theoretical approach and then story of the exhibits in which one of central places belongs to the file of Michael J. Kennedy Solicitors. Any potential communication after that may happen but ONLY IN QUITE DIFFERENT CIRCUMSTANCES.

Yours faithfully,



County

 13th day of July 2023