

**NEW ERA ADR
 UNITED STATES OLYMPIC & PARALYMPIC MOVEMENT ARBITRATION RULES**

JORDAN ROACH	§	
	§	
<i>Claimant</i>	§	
	§	
v.	§	Case No. 23122901
	§	
USA BOXING	§	
	§	
<i>Respondent</i>	§	
	§	
and	§	
	§	
ALEX ESPINOZA, SHEELYN PATRICIO, NOELLE HARO, KAYLA GOMEZ, JASMINE HAMPTON, ATIANA EDWARDS, SIERRA MARTINEZ, and ROSCOE HILL	§	
	§	
<i>Affected Athletes</i>	§	

ARBITRATION AWARD

I, the undersigned arbitrator (“**Arbitrator**”), having been designated in accordance with the Ted Stevens Olympic and Amateur Sports Act (“**Act**”), 36 U.S.C. § 220505 *et seq.*, and Section 9 of the United States Olympic and Paralympic Committee (“**USOPC**”) Bylaws, having been duly sworn, and having duly heard the proofs and allegations, and considering any and all evidence provided by Jordan Roach (“**Roach**” or “**Claimant**”), USA Boxing (“**USAB**” or “**Respondent**”), and Alex Espinoza (“**Espinoza**”), Sheelyn Patricio, Noelle Haro, Kayla Gomez, Jasmine Hampton, Atiana Edwards, Sierra Martinez, and Roscoe Hill (collectively “**Affected Athletes**”) (individually “**Party**” or collectively the “**Parties**”) hereby finds, concludes, determines, and awards as follows:

I. Procedural History

On December 29, 2023, Claimant submitted his *Complaint Form, Section 9 of the USOPC Bylaws*.

On December 29, 2023, the Arbitrator was appointed to serve as the arbitrator in this proceeding.

On December 29, 2023, the Parties, through counsel, presented for a telephonic pre-hearing conference. During the pre-hearing conference, Roach was represented by Howard L. Jacobs and

Katy Freeman of the Law Offices of Howard L. Jacobs, USAB was represented by Stephen A. Hess of the Law Office of Stephen A. Hess, and Espinoza was represented by Matthew D. Kaiser of Global Sports Advocates, LLC. Also in attendance were Lucy Denley (USOPC, Associate Director of Dispute Resolution) and Aaron Mojarras (USOPC Office of the Ombuds, Assistant Athlete Ombuds). The Parties agreed to conduct the evidentiary hearing on January 2, 2024 beginning at 10:00 a.m. CT.

On December 29, 2023, New Era ADR issued the *Notice of Hearing* confirming the evidentiary hearing to be held on January 2, 2024 beginning at 10:00 a.m. CT.

The final hearing was held via Zoom conference on January 2, 2024 commencing at 10:00 a.m. CT and concluding at 5:30 p.m. CT. During the hearing, Roach appeared along with his counsel, Howard L. Jacobs and Katy Freeman of the Law Offices of Howard L. Jacobs, USAB appeared through its representative, Mike McAtee, and its counsel, Stephen A. Hess of the Law Office of Stephen A. Hess, and Espinoza appeared along with his counsel, Matthew D. Kaiser of Global Sports Advocates, LLC. In addition to the Parties and counsel, the following individuals attended the videoconference hearing as observers: Lamont Roach (father of Roach), Kacie Wallace (USOPC Office of the Ombuds, Athlete Ombuds), Lucy Denley (USOPC, Associate Director of Dispute Resolution), Anthea Spires (New Era ADR, Client Success Manager), Evangeline Rivera (USPOC, Deputy General Counsel), and Sarah Pack (Dennie Firm, PLLC). At the conclusion of the hearing, the Parties confirmed they were provided a full and fair opportunity to submit and argue necessary facts, allegations, legal arguments, evidence, and present all witnesses they deemed appropriate. During and at the conclusion of the hearing, no Party or counsel filed an objection or indicated additional time was necessary to fully and fairly present this matter for consideration.

On January 3, 2024 at 5:29 p.m. CT, at the request of the Parties, the Arbitrator issued an operative decision set forth verbatim as follows:

Thank you to all of the Parties, counsel, witnesses, and the affected athletes for your participation in the arbitration of this matter on January 2, 2023. Counsel for the Parties were well prepared and thoroughly addressed the facts and circumstances with little time to prepare for the expedited hearing. I have considered all of the facts, allegations, arguments, testimony, and evidence submitted by the Parties in the present proceeding and have reviewed the case *de novo*. After conducting such review and providing Mr. Roach and all affected athletes, including Mr. Espinoza, a full and fair opportunity to be heard, I find that USA Boxing's decision to order a re-fight between Mr. Roach and Mr. Espinoza on December 9, 2023 meets the rational basis standard and was not unreasonable, arbitrary or capricious, and/or a violation of the Ted Stevens Olympic and Amateur Sports Act's requirements. The athletes, and all parties involved, agreed the first fight on December 8, 2023 was scheduled for three (3) rounds of three (3) minutes each. The failure to properly time the first fight and permit the fight to be conducted over three (3) rounds of two (2) minutes each was a major and costly failure on the part of USA Boxing. This failure, however, was not a field of play issue. Errors of this kind simply cannot occur during athletic competitions of this caliber and importance. Unfortunately, USA Boxing's timekeeper failed to perform proper checks and balances to make sure the athletes were

competing in accordance with published 2023 USA Boxing Olympic Trials fact sheets. Although the Parties disagreed on the application of various rules and procedures, there was no disagreement that the first fight was scheduled for three (3) rounds of three (3) minutes each. Accordingly, the decision of USA Boxing is upheld. I wish the Parties well in future competitions and endeavors.

II. Evidence Submitted by the Parties

The Parties submitted the exhibits and called witnesses as set forth below. All such exhibits were admitted into evidence.

A. Roach

Roach submitted exhibits labeled C-1-C-23 and such exhibits included the following:

1. USA Boxing's Elite High Performance Team Selection Procedures- Men and Women
2. December 8, 2023 Ring 2 Results
3. December 8, 2023 USA Boxing Statement
4. December 9, 2023 Results
5. Memo of Mike McAtee
6. December 28, 2023 Decision of USAB Grievance Panel
7. *Craig v. USA Taekwondo* (AAA CASE NO. 77 190E 00144 11 JENF).
8. *Lea v. USA Cycling* (AAA CASE NO. 01-16-0000-8307).
9. USA Boxing Rulebook
10. USA Boxing Grievance Policy
11. USA Boxing Olympic Trials Qualification Guidelines
12. *Komanski v. USA Cycling*.
13. *Hyatt v. USA Judo* (AAA CASE NO. 01 14 0000 7635).
14. *McConnelloug and USA Cycling* (AAA 30 190 00750 04).
15. *Klug v. US Ski and Snowboard Association* (AAA 30 190 00056 06).
16. *Marable v. USA Wrestling* (AAA No. 01-15-0004-1998).

17. *Yang Tae Young v. FIG* (CAS 2004/A/704).
18. https://www.espn.com/boxing/story/_/id/12129109/keepers-erred-gennady-golovkindaniel-geale-fight-suspended-new-york-state-athletic-commission
19. <https://www.reuters.com/sports/athletics/garcia-golden-after-pan-am-games-race-walkcomes-up-short-2023-10-29/>
20. <https://www.lowellsun.com/2013/04/26/lessieur-wins-appeal-will-fight-in-nationals/amp/>
21. <https://sports.yahoo.com/blogs/olympics-fourth-place-medal/korean-fencer-forced-remainpiste-while-waiting-incredibly-191228265--oly.html?guccounter=1>
22. <https://www.skysports.com/football/news/13962/12515430/afcon-malis-win-over-tunisiastands-despite-referee-chaos-that-caused-controversialending#:~:text=Tunisia%20lodged%20an%20official%20protest,0%20in%20favour%20of%20Mali.%22>
23. *CNOSF, BOA & USOC v. FEI, NOCG & the IOC* (CAS OG 04/007).

Roach called the following witness at the final hearing who was sworn in and provided testimony under oath:

1. Jordan Roach

B. USAB

USAB submitted exhibits labeled R-A -- R-S and such exhibits included the following:

- A. Qualification System – Games of the XXXIII Olympiad – Paris 2024, Boxing
- B. Paris 2024 Boxing Unit: Event Regulations for the Olympic Boxing Qualifying Tournaments and the Boxing Competition at the Olympic Games Paris 2024
- C. USA Boxing National Rule Book (Effective January 1, 2022)
- D. 2023 USA Boxing Olympic Trials Fact Sheet, December 2-9, 2023
- E. Email dated November 27, 2023 re 2023 National Championships & Olympic Trials – REMINDERS
- F. USA Boxing 2024 Olympic Trials for Boxing Qualification Guidelines for Olympic Weight Divisions (Amended April 3, 2023)

- G. 2024 USA Boxing Elite High Performance Team Selection Procedures – Men & Women (April 3, 2023)
- H. Final Match Summaries (December 8-9, 2023)
- I. USA Boxing Grievance and Complaint Policy
- J. 2022 USA Boxing National Championships Fact Sheet, December 3-10, 2022
- K. 2022 USA Boxing National Qualifier Fact Sheet, April 23-30, 2022
- L. 2023 USA Boxing National Qualifier Fact Sheet, March 18-25, 2023
- M. 2023 USA Boxing Last Chance Qualifier, September 9-16, 2023
- N. USA Boxing Athlete Selection Procedures, Paris 2024 Olympic Games, Men & Women (April 3, 2023)
- O. Screenshot of U.S. Olympic Team Trials for Boxing
- P. 2023 National Golden Gloves Tournament of Champions Olympic Trial Qualifier Fact Sheet
- Q. 2023 Elite Men’s High Performance Team
- R. USA Boxing Grievance Filing Form signed by Jordan Roach on December 19, 2023
- S. Email dated April 10, 2023 re GG Franchise Competition Requirements.

USAB called the following witness at the final hearing who was sworn in and provided testimony under oath:

- 1. Mike McAtee

C. Affected Athletes

Espinoza submitted exhibits labeled AA-1 – AA-25 and such exhibits included the following:

- 1. Statement of Alex Espinoza, dated December 27, 2023
 - A. Recording of December 8, 2023 Meeting
- 2. USA Boxing’s Athlete Selection Procedures for the 2024 Olympic Games
- 3. 2024 USA Boxing Elite High Performance Team Selection Procedures

4. USA Boxing 2024 Olympic Trials Fact Sheet
5. USA Boxing 2024 Olympic Trials Media Guide
6. Qualification Procedure for USA Boxing's 2024 Olympic Trials
7. Statement of America Santos, dated December 31, 2023
8. Paris 2024 Boxing Unit Event Regulations
9. Deborah Ferguson, Garland Teen Boxing Champ Surprised with Surprise Gift: a New Car, **5 NBCDFW**, Feb. 9, 2022
10. Fact Sheet for the 2023 National Golden Gloves Tournament of Champions
11. Fact Sheet for the 2022 Summer Festival
12. Fact Sheet for the 2022 National Championships
13. Bracket for 2022 Summer Festival
14. USA Boxing National Rulebook
15. 2024 Olympic Trials bracket for the Men's 112lbs division
16. USA Boxing's Memo dated December 27, 2023
17. *Vilandrie v. US Ski and Snowboard*, AAA 01 19 0004 4814 (Dec. 18, 2019).
18. *Rahimi v. USA Taekwondo*, AAA 01 20 0000 5425 (Mar. 4, 2020).
19. *Rivera v. USA Cycling*, AAA Case No. 01-16-0002-6302.
20. *Beaman v. USA Shooting*, AAA Case No. 01-16-0002-3596.
21. Ted Stevens Act
22. USA Boxing Bylaws
23. *Limas v. United States Taekwondo Union, Inc.*, AAA 51E 190 0256 927 (July 6, 1992).
24. *Limas v. United States Taekwondo Union, Inc.*, AAA 51E 190 0256 927 (July 6, 1992) (amended portion).
25. *New Zealand Olympic Committee v. Salt Lake Organizing Committee*, OG 02/006.

Espinoza called the following witnesses at the final hearing who were sworn in and provided testimony under oath:

1. Americo Santos

2. Alex Espinoza

Each one of the Affected Athletes was invited to attend the hearing. Of the Affected Athletes, only Espinoza attended, testified, and presented evidence.

III. Notice to Affected Athletes

On December 29, 2023 at 11:14 a.m. CT, Stephen A. Hess, counsel for USAB, issued written notice via email to the Parties and Affected Athletes. A copy of the notice is set forth verbatim as follows:

Greetings:

I am writing on behalf of USA Boxing. As noted in my email of a December 20, an arbitration has been set for January 2, 2024 concerning USA Boxing's decision to conduct rematches of four semi-final bouts in the Olympic qualifier. New Era ADR, the arbitration administrator, will send a copy of the formal complaint once it is filed.

In addition, a preliminary call has been set for this afternoon at 12 PST/1 MST/2 CST/3 EST before Arbitrator Christian Dennie. Please use the following information to connect to the call if you wish to do so:

Phone: 413-648-7618

PIN: 419 616 654#

You have the right to participate in the arbitration. Even if you do not participate, you will be bound by any decision.

If you have any questions, please reach out to the USOPC Athlete Ombudsman at 719.866.5000.
or ombudsman@usathlete.org.

IV. Jurisdiction

An arbitrator has jurisdiction over disputes if the dispute is protected under the Act, 36 U.S.C. § 220501, *et seq.*, and the controversy involves the opportunity to participate in national and international competition representing the United States. Section § 220522(a)(4) of the Act states:

An amateur sports organization, a high-performance management organization, or a paralympic sports organization is eligible to be certified, or to continue to be certified, as a national governing body only if it . . . agrees to submit to binding arbitration in any controversy involving . . . the opportunity of any amateur athlete . . . to participate in amateur athletic competition, upon demand of . . . any aggrieved amateur athlete . . . , which arbitration under this paragraph shall be conducted in accordance with the standard commercial arbitration rules of an established major national provider of arbitration and mediation services based in the United States and designated by the corporation with the

concurrence of the Athletes' Advisory Council and the National Governing Bodies' Council, as modified and provided for in the corporation's constitution and bylaws, except that if the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the standard commercial rules of arbitration of such designated provider shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules. . . .

Additionally, Section § 220522(a)(8) of the Act states that a national governing body (“**NGB**”) must:

[P]rovide[] an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate. . . .

Section 9.1 of the USOPC Bylaws provides as follows:

No member of the corporation may deny or threaten to deny any amateur athlete the opportunity to participate in a Protected Competition nor may any member, subsequent to such competition, censure, or otherwise penalize, (i) any such athlete who participates in such competition, or (ii) any organization that the athlete represents. The corporation will, by all reasonable means, protect the opportunity of an amateur athlete to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any of the aforesaid competitions. In determining reasonable means to protect an athlete’s opportunity to participate, the corporation will consider its responsibilities to the individual athlete(s) involved or affected, to its mission, and to its membership.

Any reference to athlete in this Section 9 will also equally apply to any coach, trainer, manager, administrator or other official.

Under USOPC Bylaws Section 1.3(x), “Protected Competition” means “i. a Delegation Event [and] ii. a Qualifying Competition.”

USOPC Bylaws Section 9.6 provides that, “[i]f the complaint [under Section 9.1] is not settled to the athlete’s satisfaction the athlete may file a claim with the arbitral organization designated by the corporation Board against the respondent for final and binding arbitration.” Under both Sections 9.6 and 9.8 of the USOPC Bylaws, the arbitration proceeding may be expedited.

V. Selection Procedures

USAB is the NGB for boxing in the United States and is recognized as such by the USOPC. USAB is authorized as the NGB for the sport of boxing to “establish procedures for the determination of eligibility standards for participation in competition” and to “recommend to the [USOPC]

individuals and teams to represent the United States” 36 U.S.C. § 220523(a)(5-6). In accordance with Section 8.4.1(d) of the USOPC Bylaws, USAB must establish clear procedures approved by the USOPC and timely disseminate such procedure to the athletes and team officials.

USAB adopted certain policies and procedures for qualification for the 2024 Olympic Games in Paris, France (“**Olympics**”). USAB drafted and adopted the *USA Boxing Athlete Selection Procedure, 2024 Paris Olympic Games, Men & Women* on April 3, 2023 (“**Procedures**”). *Ex. R-N*. The Procedures were approved by the USOPC as set forth in correspondence from Sara Crowell, Olympic Performance Advisor, USOPC Sport Performance, dated May 5, 2023. *Ex. R-G* (providing link to such correspondence at <https://www.usaboxing.org/athlete-selection-procedures>). In pertinent part, the Procedures provide as follows:

1. SELECTION SYSTEM

1.1. Provide the minimum eligibility requirements for an athlete to be considered for selection to the Team:

1.1.1. Nationality/Passport requirements:

Athlete must be a national of the United States at the time of the 2022 USA Boxing Elite National Championships (December 3-11, 2022) for all Olympic qualification pathways in 2023, or at the time of the 2024 Olympic Trials for Boxing (December 3-10, 2023) for all Olympic qualification pathways in 2024.

Athlete must hold a valid U.S. passport that will not expire for six months after the conclusion of the Games.

1.1.2. Minimum International Olympic Committee (IOC) standards for participation:

Any competitor in the Olympic, Paralympic, Pan American or Parapan American Games must be a national of the country of the National Olympic Committee (NOC) or National Paralympic Committee (NPC) which is entering such competitor. For additional information regarding an athlete who is a national of two or more countries, has changed his or her nationality or acquired a new nationality, refer to the Olympic Charter (Rule 41), the IPC Handbook (Section 2, Chapter 3.1), the Panam Sports Constitution (Article 34.4-7), or the Americas Paralympic Committee bylaws (Chapter 2.4.12 of the IPC Handbook).

1.1.3. Minimum IOC standards for participation (if any):

Athletes must comply with all eligibility requirements, as detailed in the 2024 Olympic Games Qualification Guidelines for the sport of boxing, including:

Compliance with the Olympic Charter and other relevant rules - All athletes must respect and comply with the provisions of the Olympic Charter currently in force, including but not limited to Rule 41 (Nationality of Competitors) and Rule 43 (World Anti-Doping Code and the Olympic Movement Code on the Prevention of Manipulation of Competitions).

Age requirements – To be eligible to participate in the boxing tournament of the Olympic Games Paris 2024, athletes must be born between and including 1 January 1984 and 31 December 2005.

Additional eligibility requirements – Athletes must comply with the following eligibility criteria:

1. Adhere to the Paris 2024 IOC boxing event regulations including all competitions and Anti-Doping provisions.
2. Participate in at least one of the boxing qualification tournaments for the Olympic Games Paris 2024.

The following link leads to the IOC's 2024 Olympic Games Qualification Guidelines for the sport of boxing, which details all eligibility requirements: https://stillmed.olympics.com/media/Documents/Olympic-Games/Paris-2024/Paris2024-QBoxing.pdf?_ga=2.236766855.726963985.1676884808-11722081.1652867343

1.1.4. Other requirements (if any):

- Athlete must be eligible to compete for the USA in accordance with all USA Boxing rules.
- Athlete must be a member in good standing of USA Boxing, meaning the athlete is not under suspension from USA Boxing at the time of nomination.
- Athlete must be a minimum of 18 years old by date of birth for any events advancing to the 2022 USA Boxing Elite National Championships (December 3-11, 2022) or 2024 Olympic Trials for Boxing (December 3-10, 2023) and cannot be older than 40 years old by year of birth during 2024.
- Athlete must successfully complete all Games Registration requirements by stated deadline.

- Any athlete aged 18 or older will be required to undergo a background screen in accordance with the current USOPC Background Check Policy.
- Any athlete age 18 or older as of the Closing Ceremony will be required to remain current with the U.S. Center for SafeSport’s education and training requirements in accordance with the USOPC Athlete Safety Policy.

1.2. Tryout Events:

For Olympic qualification events taking place in 2023, USA Boxing will follow the selection process detailed in the Preliminary 2023 Pan American Games and Paris 2024 Olympic Games Athlete Selection document, which can be found at:

<https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Athlete-Selection-Procedures>

For Olympic qualification events taking place in 2024, USA Boxing will follow the selection process detailed in the 2024 USA Boxing Elite High Performance Team Selection Procedures, which can be found at:

<https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Athlete-Selection-Procedures>

- 1.2.1. Event names, dates and locations of all trials, competitions, and camps to be used as part of the selection process:

Refer to section 1.2

- 1.2.2. Describe how athletes qualify for the events listed in 1.2.1.:

Refer to section 1.2

Exhibit R-N. The 2024 USA Boxing Elite High Performance Team Selection Procedures – Men & Women dated April 3, 2023 (“**High Performance Procedures**”) are expressly referred to in the Procedures and state in pertinent part as follows:

The following procedures will be utilized by USA Boxing to select its Elite High Performance Team for 2024. Athletes selected based on these procedures will be given the first opportunity to participate in elite training camp and international competition opportunities, including any Olympic qualifying events that take place in 2024.

Important Notice

If a US boxer qualifies for the 2024 Paris Olympic Games through the 2023 Pan American Games, his or her qualification will be accepted by the US Olympic & Paralympic Committee and USA Boxing. In this scenario, the weight category that the boxer qualifies in will still be contested at the 2024 Olympic Trials for Boxing. The athlete who places first at this event will not advance to the next stage of team selection for 2024 but will be considered as an alternate in case the qualified athlete must withdraw from competing at the Paris 2024 Olympic Games.

Minimum Eligibility Requirements

To be considered eligible to participate in USA Boxing's 2024 Elite High Performance Team Athlete Selection process, athletes must meet the following criteria:

1. Athlete must have proof of U.S. citizenship
2. Athlete must have a valid and current U.S. passport at the time of selection
3. Athlete must be eligible to compete for USA in accordance with all USA Boxing rules.
4. Athlete must be a member in good standing of USA Boxing, meaning the athlete is not under suspension from USA Boxing.
5. Athlete must be a minimum of 18 years old by date of birth and cannot be older than 39 years old during the year that the 2024 Olympic Trials for Boxing occurs.
6. Athlete must meet all requirements to be eligible to train at the Olympic & Paralympic Training Center (OPTC), as established by the US Olympic & Paralympic Committee (USOPC). These requirements include:
 - a. Completed Safe Sport Certification
 - b. Completed background screening

In addition to the minimum eligibility requirements above, athletes must meet at least one of the following performance markers to advance to the evaluation stage of the selection process:

- A. Athlete must be a member of the 2023 Elite High Performance Team, in accordance with the 2023 Elite High Performance Team Selection procedures and have won a minimum of two (2) medals at international competitions in 2023.
- B. Athlete must be the *1st place finisher from the 2024 Olympic Trials for Boxing (December 3-10, 2024 – Lafayette, Louisiana) in an Olympic weight category listed below.

Full details on the 2024 Olympic Trials for Boxing Qualification Guidelines can be found at: <https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Athlete-Selection-Procedures>

*Note: If a 2023 Elite High Performance Team member does not meet the Performance Exemption, as detailed in the 2024 Olympic Trials for Boxing Qualification Guidelines,

both the 1st and 2nd place finishers from his/her weight category at the 2024 Olympic Trials for Boxing will advance to the evaluation stage of the selection process.

Evaluation & Team Selection

Athletes who meet the requirements above will be selected to participate in the USA Boxing Elite Team Evaluation & Selection Camp, taking place January TBD, 2024. Each athlete who participates in the USA Boxing Elite Team Evaluation & Selection Camp will be evaluated by the USA Boxing High Performance Staff. This evaluation will be based on the High Performance Evaluation Guidelines outlined in Attachment A.

Once the evaluation process is complete, all evaluations will be submitted to the *High Performance Selection Committee, which is composed of the USA Boxing High Performance Director and USA Boxing AAC Athlete Representative. The High Performance Selection Committee will review all evaluations and the athlete with the best evaluation, per weight class, will be selected to the Elite High Performance Team. Athletes who meet a minimum evaluation score of 65 points but are not selected to the Elite High Performance Team will qualify to the Elite High Performance Squad and will be ranked within an Olympic weight category according to his or her evaluation score.

* Note: Any member of the selection committee that has a possible conflict of interest must either recuse himself/herself or disclose it to the NGB's Ethics Committee prior to the start of the selection process. A conflict of interest exists when the committee member has a direct or indirect relationship, connection, or affiliation, past or present, with an athlete in contention for the applicable team selection that could compromise the committee member's ability to participate in the selection process in an unbiased manner. If a conflict exists, the NGB's Ethics Committee shall vet the conflict and make the final determination of whether that committee member must recuse him/herself from participating in discussions and/or voting. The Ethics Committee may determine that a committee member who has relevant and necessary information with respect to athlete performance, for example a high performance team coach or high performance director, may, if requested by the selection committee, provide such information to the committee so long as such information is provided in a fair and unbiased manner and the committee member with the conflict of interest does not vote toward the final decision. The committee member should not otherwise influence other members of the committee in the selection process.

Additionally, any person (including any potentially impacted athlete or coach of a potentially impacted athlete) with a good faith belief that a committee member has a conflict of interest may report the alleged conflict of interest to the USA Boxing National Office, in accordance with the USA Boxing Grievance and Complaint Policy, which can be found at <https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Grievance-and-Appeal-Forms>.

If the recused individual is the USOPC Boxing AAC Representative, this selection committee member will be replaced by USA Boxing Board’s alternate AAC Athlete Representative. If the recused individual is USA Boxing High Performance Director, this selection committee member will be replaced by the USA Boxing Assistant High Performance Director – _Operations or High Performance Manager.

Supporting Documents & Resources

The following documents and resources are referenced in the above procedures and found on USA Boxing’s website: <https://usaboxing.org/>:

- The 2024 Olympic Trials for Boxing Qualification Guidelines can be found at:
 - <https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Athlete-Selection-Procedures>
- The 2023 USA Boxing Elite Team Selection Procedures can be found at:
 - <https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Athlete-Selection-Procedures>
- The USA Boxing Code of Conduct can be found at:
 - www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Grievance-and-Appeal-Forms
- The USA Boxing National Team Policies & Procedures can be found at:
 - www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Grievance-and-Appeal-Forms
- The USA Boxing Bylaws and Grievance Procedures can be found at:
 - <https://www.teamusa.org/usa-boxing/rulebook/usa-boxing-bylaws>
 - <https://www.teamusa.org/USA-Boxing/Rulebook/Forms-and-Documents/Grievance-and-Appeal-Form>

Ex. R-G. In addition to the reference to the High Performance Procedures in the Procedures, the Procedures reference the “Paris 2024 IOC boxing event regulations,” which is a reference the *Event Regulations for the Olympic Boxing Qualifying Tournaments and the Boxing Competition at the Olympic Games Paris 2024* (“**Paris Qualifying Procedures**”). In light of the International Olympic Committee (“**IOC**”) announcing the suspension of the International Boxing Association as the international governing body for the sport of boxing, the IOC created the Paris 2024 Boxing Unit, an ad hoc unit, to “ensure the delivery of the Olympic Boxing Qualifying Tournaments and the Boxing Competitions at the Olympic Games Paris 2024.” *Ex. R-B* at p. 1. The Paris Qualifying

Procedures require bouts to be three “(3) rounds of three (3) minutes each.”¹ *Ex. R-B* at Sect. 1.2.1, 9.12.2.1.

VI. Discussion and Analysis

The undersigned has considered all the facts, allegations, arguments, testimony, and evidence submitted by the Parties in the present proceeding. In drafting and explaining the *Arbitration Award*, the arbitrator refers in this *Arbitration Award* only to the submissions and evidence considered necessary to explain the reasoning in this decision. After considering all evidence submitted, based on the preponderance of the evidence, the undersigned makes the following findings:

A. Standard of Review and Burden of Proof

The applicable standard of review in Section 9 cases is *de novo*. *Crowell v. US Equestrian Federation*, AAA Case No. 77 190 E 00193 09 JENF (May 3, 2009); *Nadmichettu v. US Table Tennis Ass’n*, AAA Case No. 77 190 169 10 JENF (Apr. 23, 2010); *Craig v. USA Taekwondo*, AAA Case No. 77 190E 00144 11 JENF (Aug. 21, 2011); *Fogarty v. USA Badminton*, AAA Case No. 01-19-0000-7585 (June 21, 2019). “In exercising *de novo* review in a team selection dispute, the arbitrator ensures that: 1) the athlete is given adequate procedural due process by providing a full and fair opportunity to be heard regarding [her] claims; and 2) the merits of an NGB’s challenged decision comply with the foregoing requirements of law of private associations by analyzing whether the athlete selection procedures are valid; were followed and applied consistently; its discretionary decision was rational/reasonable (*i.e.*, not arbitrary or capricious) and in good faith (*i.e.*, without any bad faith or bias); and complies with applicable federal and state laws.” *Liu v. USA Table Tennis, Inc.*, AAA Case No. 01-19-0002-0105 (June 20, 2019); *see also Nieto v. USA Track & Field*, AAA Case No. 77 190 00275 08 (July 19, 2008)(stating claimant did not carry the burden of persuasion to show that the NGB rule lacks rational basis); *Wright v. Amateur Softball Assn.*, AAA Case No. 301900046602 (Jan. 23, 2003)(stating “an arbitrator should not disturb the selections by the [NGB] unless the arbitrator finds that the body abused its discretion in the selection process”); *Scott v. Amateur Softball Assn.*, AAA Case No 301901500 (Apr. 14, 2000)(stating “claimant did not meet its burden of proof” that the NGB breached its selection procedures). In Section 9 proceedings based on a selection decision, it is well established that a claimant has the burden of proving his or her claim by a preponderance of the evidence. *Craig v. USA Taekwondo*, AAA Case No. 77 190E 00144 11 JENF (Aug. 21, 2011).

In *Quigley v. Union International de Tir*, the panel, in pertinent part, stated as follows:

Regulations that affect the careers of dedicated athletes should be predictable . . . and not the product of an obscure process of accretion. Athletes and officials should not be confronted by a thicket of mutually qualifying or even contradictory rules that can be understood only on the basis of the *de facto* practice over the course of many years of a small group of insiders.

¹ Collectively the Procedures, High Performance Procedures, and Paris Qualifying Procedures shall be referred to as “Selection Procedures”.

Quigley v. Union International de Tir, CAS 94/129 (Apr. 20, 1995). “The whole purpose for the development of criteria for qualification for [protected competitions] is for the contenders to know how they will be selected and against what criteria they will be judged.” *Klug v. US Ski and Snowboard Association*, AAA Case No. 30 190 0056 06 (Jan. 27, 2006).

The arbitrator must determine whether USAB breached the approved and published Selection Procedures, applied the Selection Procedures inconsistently to athletes similarly situated, acted in bad faith towards or with bias against the athlete, and/or violated applicable federal or state laws. *Craig v. USA Taekwondo, Inc.*, AAA Case No. 77 190E 00144 11 JENF (Aug. 21, 2011); *Hyatt v. USA Judo*, AAA Case No. 01 14 0000 7635 (June 27, 2014); *Tibbs v. United States Paralympics*, AAA Case No. 71-190-E-00406 12 JENF (Aug. 28, 2012). Other arbitrations filed under the Act have determined this review to mean that a decision by USAB must have no rational basis, *i.e.* is unreasonable, arbitrary or capricious, and/or will not meet the Act’s requirements. *Rivera v. USA Cycling, Inc.*, AAA Case No. 01 16 0002 6302 (July 26, 2016). The Arbitrator’s role is not to determine whether USAB chose the best process for selecting teams, or to substitute lay judgment for the expert professional judgement of USAB in establishing the Selection Procedures. *Id.* Rather, it is a *de novo* review, with no deference, of the application of the Selection Procedures to the facts of the individual case. *Komanski v. USA Cycling*, AAA Case No. 01-15-0004-9907 (Nov. 15, 2015).

B. Whether ordering a re-fight violated the terms of the Selection Procedures.

Both Roach and Espinoza are elite athletes in the sport of boxing fighting in the 51 kg weight class. Roach and Espinoza attended the 2024 USA Boxing Olympic Trials seeking to qualify to compete for Team USA in the Olympics. The 2024 USA Boxing Olympic Trials took place from December 2-9, 2023 in Lafayette, Louisiana. The final of the 2024 USA Boxing Olympic Trials was to determine the participants for the USA Boxing Elite Team Evaluation & Selection Camp from which athletes will be chosen to represent the United States in the Olympics.

Following successful quarterfinal bouts, on December 8, 2023, Roach and Espinoza fought in the semifinals of the 2024 USA Boxing Olympic Trials. The bout was scheduled for three (3) rounds of three (3) minutes each and was held in Ring 2. At the conclusion of the bout, Roach was declared the victor winning on all five (5) judges’ scorecards 30-27. Following the bout, Espinoza’s coach, Americo Santos (“**Santos**”), reviewed video of the bout and noticed that the bout was shorter in length than scheduled. The timekeeper for Ring 2 set the bout for three (3) rounds of two (2) minutes each and the athletes fought accordingly. When Santos became aware of the issue, he was no longer in the arena where the 2024 USA Boxing Olympic Trials was being conducted.

Santos traveled back to the arena to meet with USAB officials regarding the length of the bout. When Santos returned to the arena, he approached Michael Campbell, USAB’s Senior Events Manager, to discuss the matter, but Mr. Campbell was already communicating with another coach about the very same issue. Santos, on behalf of Espinoza, confirmed Espinoza’s complaint regarding the duration of the December 8, 2023 bout.² According to Mr. McAtee, the USAB staff

² With no protest procedure, the athletes were left with making oral complaints.

met to discuss the matter and, ultimately, concluded that Roach and Espinoza must fight again for three (3) rounds of three (3) minutes each. *Ex. C-5*.

In the afternoon of December 8, 2023, Roach reported to a meeting to discuss the finals of the 2024 USA Boxing Olympic Trials. Before the meeting regarding the finals, Roach, Espinoza, and six (6) other athletes were pulled aside and informed that the timekeeper in Ring 2 made an error and timed each of the involved bouts as three (3) rounds of two (2) minutes each rather than three (3) rounds of three (3) minutes each. At that time, the athletes were informed that the bouts would be re-fought on December 9, 2023. The finals of the 2024 USA Boxing Olympic Trials were moved to be contested in Colorado Springs, Colorado in January 2024. The athletes were not given an opportunity to grieve or otherwise argue their positions regarding the decision of USAB.

On December 9, 2023, Roach and Espinoza presented for the re-fight. At the conclusion of the re-fight, Espinoza was declared the victor by split decision with three (3) judges finding in favor of Espinoza and two (2) judges finding in favor of Roach. Thereafter, on December 19, 2023, Roach filed the *USA Boxing Grievance Filing Form (Ex. R-R)* in accordance with the *USA Boxing Grievance and Complaint Policy (Ex. R-I)*. Following a hearing, on December 28, 2023, Veid Muiznieks, the USAB Grievance Committee Chair, provided the decision of the Judicial Committee stating only “[i]n the matter of Jordan Roach v. USA Boxing, [t]he USA Boxing Judicial Hearing Panel voted unanimously to deny the grievance.” *Ex. C-6*. Thereafter, this Section 9 arbitration ensued.

Here, the Parties vehemently disagreed regarding the application of the language of the Selection Procedures and the application thereof. On the face of the Procedures and the High Performance Procedures, there is no overt reference to the duration of the bouts. In fact, Section 13.1 of the *USA Boxing National Rule Book* states “all USA Boxing Elite...bouts must consist of three (3) rounds of *no more than* three (3) minutes each.” *Ex. R-C* at Sect. 13.1 (emphasis added). Both USAB and Espinoza argued that the *2023 USA Boxing Olympic Trials Fact Sheet* explicitly states bouts involving “Elite Men” (like Roach and Espinoza) are to be conducted over “Three, 3-minute rounds.” *Ex. R-D* at p. 3. However, the *2023 USA Boxing Olympic Trials Fact Sheet* is not expressly incorporated into the Selection Procedures. Nonetheless, all of the Parties agreed that the bout on December 8, 2023 was supposed to three (3) rounds of three (3) minutes each.

The circumstances that unfolded after the Parties learned that a timekeeping error was made were far from ideal. USAB does not have a protest procedure other than the formal procedures set forth *USA Boxing Grievance and Complaint Policy* that ultimately calls for the Judicial Committee to “conduct the Hearing in person, by telephonic conference call, video conference or other similar electronic means.” *Ex. R-I* at Sect. 9(B). Mr. McAtee testified that a decision on how to address the timekeeper error was needed on an expedited basis and there was no time to move forward under the formal policies. During Mr. McAtee’s testimony, it was not clear under which policy or document that USAB decided to order a re-fight. First, Mr. McAtee pointed to the “misapplication of a rule of USAB” under Section 6(A)(1) of the *USA Boxing Grievance and Complaint Policy* as the authority to act, but this passage is merely a regurgitation of the field of play doctrine. *Ex. R-I* at Sect. 6(A)(1). Second, Mr. McAtee pointed to the *Code of Conduct for Non-Athletes (Appendix C of USA Boxing National Rule Book)* in that he, as chief executive officer and executive director of USAB, has a duty and obligation to “abide by the rules and policies of USA Boxing and the

USOPC....” *Ex. R-C* at Appx. C. Third, Mr. McAtee indicated that both Section 13.1 of the *USA Boxing National Rule Book* and the *2023 USA Boxing Olympic Trials Fact Sheet* require three (3) rounds of three (3) minutes each, but the *USA Boxing National Rule Book* says “no more than” three (3) minute rounds can be fought. *Ex. R-C* at Sect. 13.1; *Ex. R-D* at p. 3. Finally, Mr. McAtee testified that the *USA Boxing National Rule Book* states “[n]o Rulebook can anticipate every circumstance or question” and the “Common Sense Rule” permit USAB to act when no other rule or language applies. *Ex. R-C* at Preamble & Sect. 7.5. With no protest procedure outside of the formal procedures in *USA Boxing Grievance and Complaint Policy*, there was no specific language for athletes, or USAB for that matter, to follow in a circumstance like this. USAB announced the decision to require a re-fight without input from the athletes or even providing the athletes an opportunity to be heard prior to the decision.

The Procedures, however, at Section 1.1.3 requires adherence to “Paris 2024 IOC boxing event regulations,” which incorporates the Paris Qualifying Procedures. *Exhibit R-N* at Sect. 1.1.3. As noted above, the Paris Qualifying Procedures require bouts to be three “(3) rounds of three (3) minutes each.” *Ex. R-B* at Sect. 1.2.1, 9.12.2.1. Although the manner in which this matter was handled and lack of procedures setting forth what is to occur in circumstances like these where potentially once in a lifetime opportunities are in play, the conclusion to call for a re-fight to comply with the terms of the Paris Qualifying Procedures (and collectively the Selection Procedures) was not shown to have no rational basis and, thus, was not unreasonable, arbitrary or capricious, and did not violate the Act’s requirements. One third (1/3) of the bout on December 8, 2023 did not occur. This is a substantial portion of the bout that did not take place as a result of an error at the hands of USAB with no fault of the involved athletes. The circumstances are unfortunate, but a re-fight was not unreasonable under the circumstances.

The Arbitrator concludes that the decision to require a second fight between Roach and Espinoza was not unreasonable, arbitrary or capricious, and did not cause a violation the Act’s requirements. Accordingly, the decision of USAB to require a re-fight between Roach and Espinoza is upheld and the results from re-fight shall stand. By coming to this conclusion, the Arbitrator does not find that Espinoza is a superior athlete to Roach or vice versa.

C. Whether the Field of Play Doctrine applies the circumstances at issue.

The Field of Play Doctrine is set forth in Section 9.12 of the USOPC Bylaws. Section 9.12 states as follows:

The final decision of a referee during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the referee) is not reviewable through or the subject of these complaint procedures unless the decision is (i) outside the authority of the referee to make or (ii) the product of fraud, corruption, partiality or other misconduct of the referee. For the purposes of this Section, the term “referee” includes any individual with discretion to make field of play decisions.

On the field decisions are “best left to field officials, who are specifically trained to officiate the particular sport and are best placed, being on-site, to settle any question relating to it.” *Yang Tae Young v. FIG*, CAS 2004/A/704 (Oct. 21, 2004). Arbitrators should not “interfere with the

application of the rules governing the play of the particular game” even when the referee makes an incorrect decision as long as such decision is not made with prejudice or fraud. *NAOC v. IAAF & USOC*, CAS 2008/A/1641 (Mar. 6, 2009); *Yang Tae Young v. FIG*, CAS 2004/A/704 (Oct. 21, 2004). In *Korean Olympic Committee v. ISU*, the panel stated as follows:

[D]ifferent phrases, such as “arbitrary”, “bad faith”, “breach of duty”, “malicious intent”, “committed a wrong”, and “other actionable wrongs” are used, apparently interchangeably, to express the same test. In the Panel’s view, each of those phrases means more than the decision is wrong or one that no sensible person could have reached. If it were otherwise, every field of play decision would be open to review on its merits. Before a CAS Panel will review a field of play decision, there must be evidence, which generally must be direct evidence of bad faith. If viewed in this light, each of those phrases means there must be some evidence of preference for, or prejudice against, a particular team or individual.

Korean Olympic Committee v. ISU, CAS OG 02/2007 (Feb. 23, 2002)(internal citations omitted). In *Beaman v. USA Shooting*, the arbitrator stated as follows:

[T]he USAS rules are clear that if a competitor has an objection to conduct occurring at an event it is their obligation to file a protest. No protest was lodged here, neither verbal nor written, though the applicable rules provide for this as the way to resolve these disputes. No procedure was lodged here until this Section 9 proceeding was commenced. Unfortunately for Ms. Beaman, while her concerns might be worthy of broader consideration in the sport or within USAS, her competitive future depends on her filing protests to decisions of referees or conduct of competitors as and when required to do so within a narrow window, or the results become final and incapable of challenge.... By not filing, she put this case clearly in the realm of field of play, and the results became final when Ms. Beaman failed to lodge any protest in accordance with the rules.

Beaman v. USA Shooting, AAA Case No. 01-16-0002-3596 (Aug. 5, 2016); *Murphy v. USA Nat’l Karate-Do Fed., Inc.*, AAA Case No. 01-21-0002-0289 (Mar. 7, 2021)(stating Claimant did not comply with the official protest procedure and, thus, Claimant failed to exhaust administrative remedies before filing a Section 9 arbitration demand); *Rau v. USA Wrestling Assn.*, AAA Case No. 01-21-0003-7287 (June 1, 2021)(concluding the field of play doctrine applied to a pertaining to a referee’s decisions during a wrestling match).

Here, Roach argued that the timekeeper setting the clock to two (2) minutes for each round for the December 8, 2023 bout was a field of play decision not to be disturbed by USAB. The decision to place the clock on two (2) minutes rather than three (3) minutes was not a discretionary decision of the timekeeper. This was simply an error and mistake that is not within the discretion of the timekeeper. Accordingly, the field of play doctrine is not applicable here.

D. Whether Roach is entitled to recovery of attorneys’ fees and costs.

Roach requested that the Arbitrator order USAB to pay for the administrative costs of New Era ADR, the Arbitrator’s fees, and attorneys’ fees being that the circumstances in this dispute were

no fault of Roach and a significant error by USAB. Rule 51 of the *United States Olympic & Paralympic Movements Arbitration Rules* states:

RULE 51: SCOPE OF AWARD; REAPPORTIONMENT

- a. Remedies/Relief. The arbitrator may grant any remedy or relief that the arbitrator deems just and equitable and within the scope of the Sports Act; USOPC Bylaws, rules, policies, and procedures; NGB Bylaws rules, policies, and procedures; and the parties' agreement, as applicable.
- b. Other Decisions/Rulings/Orders/Awards. In addition to a final award, the arbitrator may make other decisions, including interim, interlocutory, or partial rulings, orders, and awards.
- c. Reapportionment. Unless otherwise agreed by the parties, the arbitrator may apportion the administrative expenses and arbitrator's compensation and expenses between or among the parties as the arbitrator deems appropriate, considering the circumstances of the case, the conduct of the parties and their representatives during the proceeding, and the result of the arbitration.
- d. Interpreter Costs. Unless otherwise agreed by the parties, the arbitrator has discretion to grant to the prevailing party some or all of its costs for interpreters, if any, at the request of the prevailing party, as the arbitrator deems appropriate, considering the circumstances of the case, the conduct of the parties and their representatives during the proceeding, and the result of the arbitration.

USOPC Arb. Rule 51. In *Beaman v. USA Shooting*, the arbitrator awarded \$3,000.00 of attorney's fees in favor of the national governing body. The arbitrator stated, in pertinent part, as follows:

This Arbitrator is not of the view that attorneys' fees should be shifted in every Section 9 in favor of the prevailing party. To the contrary, proceeding under the US rule and not the English rule, the power to shift fees should be used sparingly and only in exceptional cases in Olympic-related cases, particularly where fees are to be shifted against an athlete and in favor of a governing body that might be in a better relative position to pay its own freight. Having said that, where there are claims that are so without any legal or factual basis, and where, as here, the evidence suggests that the case was brought by Ms. Beaman's distraught father and coach, who was on site at the event in question and did not exercise any of the rules-provided rights at the time that could have resolved this issue in real time without the need for filing this action, rules of which both he and Ms. Beaman were or should have been aware, this Arbitrator is comfortable shifting some of the burden caused to the NGB resulting from this proceeding to the athlete.

Accordingly, the Arbitrator finds that \$3,000 is a sufficient contribution for Ms. Beaman to make toward the attorneys' fees of USAS, which were undoubtedly a lot more. All potential claimants and respondents in these kinds of cases should take note that they need to be familiar with the rules of their sport, including the rules for challenging decisions,

they need to try to follow them in good faith and avail themselves of field of play related processes, and they need to assert claims that have solid legal and factual bases or they will face the same risk.

Beaman v. USA Shooting, AAA Case No. 01-16-0002-3596 at 18 (Aug. 5, 2016).

There have also been other Section 9 cases where fees have been shifted. In *McCandless v. USA Track & Field*, the arbitrator awarded costs and fees to the claimant even though his claim was unsuccessful. *McCandless v. USA Track & Field*, AAA Case No. 01-15-0004-2085 (Feb. 29, 2016). The primary basis for the arbitrator's ruling is set forth as follows:

This was not a mistake in the sense of reasonably applying selection procedures where there might be a difference of opinion; the USATF mistake was grossly negligent in naming Mr. McCandless instead of Mr. Leon and neither Mr. McCandless nor Mr. Leon did anything other than what they were supposed to do in the circumstances. Accordingly, I am awarding a contribution toward the attorney's fees and costs of Mr. McCandless toward the \$12,126.50 being sought by Mr. McCandless on the basis that Mr. McCandless was not the prevailing party, though he was the victim of USATF's mistake.

Id. at 11. In *Pohl v. USA Badminton*, the arbitrator again awarded attorney's fees and costs to the claimant even though claimant was unsuccessful. *Pohl v. USA Badminton*, AAA Case. No. 30-190-00604-03 (Aug. 7, 2003). The arbitrator stated as follows:

In light of the fact that these proceedings were the direct result of USAB's failures throughout the course of these trials, it shall bear all costs of these proceedings, including Pohl's filing and attorney's fees, as well as all costs and fees of the American Arbitration Association and the compensation of the arbitrator.

Id. at 3.

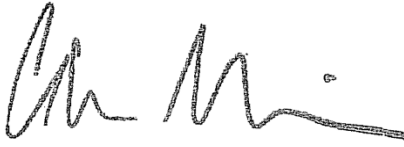
Here, it is without question that Roach did everything he was supposed to do and the errors associated with this dispute were in no way his fault. As noted above, USAB made missteps and mistakes that required this proceeding. As other arbitrators have noted, attorneys' fees and costs should not be shifted in every Section 9 case, but the circumstances of this case require a shifting of fees as provided herein. It is permissible to shift fees even when the athlete is not successful. Accordingly, the Arbitrator finds and concludes that USAB shall pay the administrative costs of New Era ADR, the Arbitrator's fees, and \$5,000.00 towards Roach's attorneys' fees.

VII. Decision

Based on the foregoing findings and analysis, the undersigned decides and awards as follows:

- The Arbitrator finds and concludes that the decision to require a second fight between Roach and Espinoza was not unreasonable, arbitrary or capricious, and did not cause a violation of the Act's requirements. Accordingly, the decision of USAB to require a re-fight between Roach and Espinoza is upheld and the results from the re-fight shall stand;

- USAB shall bear the costs and fees of this arbitration charged by New Era ADR and the fees of the Arbitrator;
- USAB shall reimburse Roach in the amount of \$5,000.00 for the attorneys' fees he incurred in this matter; and
- This award is in full settlement of all claims submitted in this arbitration. All claims not expressly granted herein are hereby denied.



Christian Dennie, FCI Arb
Arbitrator

Date: January 9, 2023