

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

TERESSA KANDIANIS and)	
LESLIE BERNDL,)	
)	
Complainants,)	
)	ORDER
v.)	
)	
UNITED STATES EQUESTRIAN)	
FEDERATION,)	July 14, 2020
)	
Respondent.)	

I. BACKGROUND

1. On March 26, 2020, the Hearing Panel in this matter issued an Order finding that the United States Equestrian Federation (“USEF” or “Respondent”) was not fulfilling its obligations under the Ted Stevens Olympic and Amateur Sports Act (the “Act”) and ordered that it comply with certain requirements to rectify prior to determining USEF’s compliance status.

2. The March 26, 2020, Order outlined nine immediate requirements for USEF to comply with by April 27, 2020. As part of the March 26, 2020, Order, the Hearing Panel awarded Complainants \$5,000. Additionally, the Hearing Panel directed USEF to adopt a revised grievance procedure by November 2, 2020.

3. On May 20, 2020, the Hearing Panel issued a Status Report determining that USEF had complied with the nine immediate requirements by the required deadline.

4. On June 8, 2020, the Complainants submitted: (i) a Motion for Reconsideration of Fee Award, and (ii) Objections to Determinations in Hearing Panel’s May 20, 2020, Status Report.

5. On June 15, 2020, USEF provided the Hearing Panel with an additional status report relating to its efforts to adopt revised grievance procedures.

6. The Hearing Panel convened on June 23, 2020, to discuss Complainants' submissions and USEF's status report.

7. This Order will address Complainants' June 8, 2020, submissions and will acknowledge USEF's June 15, 2020, status report.

II. MOTION FOR RECONSIDERATION OF FEE AWARD

8. The Hearing Panel denies Complainants' Motion for Reconsideration of Fee Award.

9. Complainants argue because USEF's "standard operating procedure" was for the Co-Chairs of its Judicial Committee, and not a hearing panel, to rule on all preliminary matters, Complainants "deserve to be reimbursed for *all* of their attorneys' fees and costs."

10. The Hearing Panel does not dispute that USEF's practice was for the Co-Chairs to rule on preliminary matters and was aware of that fact.

11. However, that was not the reason in providing Complainants an award.

12. The Hearing Panel's March 26, 2020, Order was clear: "The Hearing Panel determines that Complainants are justified to recover some relief *due to the erroneous and inconsistent advice they received from USEF*" (emphasis added). *Kandianis and Berndl v. US Equestrian Federation*, Order, page 15-16 (Mar. 26, 2020) (Brad Snyder, Chris Ramsey and Allysa Seely, Pnl. Mbrs.).

13. The Hearing Panel already determined that a \$5,000 award was a just and appropriate amount for the reasons set forth in the May 20, 2020, Order and will not reopen this matter any further.¹

III. COMPLAINANTS' OBJECTIONS TO DETERMINATIONS IN THE HEARING PANEL'S MAY 20, 2020, STATUS REPORT

14. The Hearing Panel acknowledges Complainants' Objections to the May 20, 2020, Status Report, but stands behind its determination that USEF complied with the nine immediate requirements.

15. First, Complainants contend that USEF did not publicly distribute to "all" USEF members to indicate that an individual can challenge selection upon a threat of a denial because USEF sent communication to its members via a weekly email newsletter.

16. Complainants rely their argument on the fact that "some USEF members do not use email at all, and other USEF members have undoubtedly exercised their option to unsubscribe."

17. The Hearing Panel believes that a mass email is a sufficient manner of communication, and in fact, is the best manner to reach its membership.

18. USEF fully complied with the requirement.

19. Second, Complainants contend that USEF did not comply with the requirement that USEF's "Athlete's Guide to Filing a Grievance Regarding an Opportunity to Participate must be clearly updated..." (*Kandianis* at page 17) because when "trying to find it on USEF's website, the task is challenging." The Hearing Panel is not persuaded

¹ The Hearing Panel also would like to note that Complainants had the opportunity to address the request for attorney's fees and costs before and/or during the hearing, but failed to do so.

by this argument as the Guide can be quickly found by using the search function of the website.

20. Complainants argument that the “*placement* of the of Guide on its website does not comply with the spirit of the Hearing Panel’s order” (emphasis added) falls short. The requirement had nothing to do with the placement of the Guide, but rather to update the content. The Hearing Panel found that USEF updated the content as appropriate.

21. If Complainants have suggestions to USEF about where they believe the Guide should be placed on USEF’s website, they can reach out to USEF directly about that. Or, Complainants can work through their Athletes’ Advisory Council representative with suggestions. That is not the role of the Hearing Panel.

22. Accordingly, the Hearing Panel rejects Complainants’ request to require anything further of USEF.

IV. USEF’S JUNE 15, 2020, STATUS REPORT

23. The Hearing Panel acknowledges USEF’s June 15, 2020, status report regarding its efforts to adopt revised grievance procedures.

24. The Hearing Panel believes that USEF is following the directive to “make them clearer and easier for an athlete to read and understand” (*Kandianis* at page 19).

25. The Hearing Panel is also pleased that USEF is publicly distributing a draft of the revisions to its athletes for comment prior to adoption.

V. ORDER

26. It is so ordered.

Dated this 14th day of July, 2020.

A handwritten signature in black ink, appearing to read 'BS', written in a cursive style.

_____ for _____
Brad Snyder, Chair

Chris Ramsey, Panel member
Allysa Seely, Panel member