

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

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|--------------------------|---|----------------|
| TERESSA KANDIANIS and |) | |
| LESLIE BERNDL, |) | |
| |) | |
| Complainants |) | |
| |) | ORDER |
| v. |) | |
| |) | |
| UNITED STATES EQUESTRIAN |) | |
| FEDERATION, |) | |
| |) | |
| Respondent. |) | March 26, 2020 |

I. BACKGROUND

1. On March 28, 2019, Teresa Kandianis and Leslie Berndl (“Complainants”)¹ filed a Complaint with the United States Olympic & Paralympic Committee (“USOPC”) against the United States Equestrian Federation (“USEF” or “Respondent”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (the “Act”) and Section 10 of the USOPC Bylaws.

II. THE COMPLAINT

2. Complainants allege that USEF fails to comply with Section 220522(a)(13) of the Act and Section 8.7(a) of the USOPC Bylaws:

- i. Section 220522(a)(13) of the Act requires that a National Governing Body (“NGB”) “provide procedures for the prompt and equitable resolution of grievances of its members.”
- ii. Section 8.7(a) of the USOPC Bylaws requires an NGB to fulfill its responsibilities as set forth the Act.²

¹ Leslie Berndl competes in combined driving with the pony Sweetwater Zorah Belle (the equine athlete) and Teresa Kandianis is the owner of Sweetwater Zorah Belle.

² Because Section 8.7(a) of the USOPC is derivative of fulfilling obligations under Section 220522(a)(13) of the Act, this Order focuses on adherence to the Act’s requirement.

3. Complainants requested the following relief:
 - i. A determination that USEF is not in compliance with the Act and USOPC Bylaws;
 - ii. That USEF be placed on probation for 180 days;
 - iii. That USEF be directed to institute a compliant grievance process within the probation period;
 - iv. That USEF be directed to pay the costs and attorneys' fees incurred in connection with the Complaint; and
 - v. That Complainants be granted other such relief as is just under the circumstances.

III. JURISDICTION

4. The Hearing Panel has authority to hear the Complaint pursuant to Section 220527 of the Act and Section 10 of the USOPC Bylaws.

IV. AUTHORITY

5. Section 10 of the USOPC Bylaws grants a hearing panel in a Section 10 proceeding to find an NGB either in or out of compliance with its obligations under the Act or USOPC Bylaws.

6. If a hearing panel determines that an NGB is out of compliance, then it makes a report and recommendation to the USOPC Board for a final determination.

7. Section 10.18 also provides that if a hearing panel believes that an “NGB’s non-compliance can readily be rectified,” then prior to making a recommendation to the USOPC Board, the hearing panel has the authority to “issue an order directing that the NGB take such action as is appropriate to correct the deficiency.” If the deficiency is corrected, the hearing panel can make a finding of compliance.

V. BURDEN OF PROOF

8. Section 10.17 of the USOPC Bylaws provides that a complainant has the burden of proof. Accordingly, Complainants are required to establish by a preponderance of the evidence that USEF does not meet the requirements of the Act and/or USOPC Bylaws.

VI. DETERMINATION

9. The Hearing Panel fully considered all arguments, from the various pleadings, exhibits, testimony and arguments presented during the hearing, and provided appropriate weight to all the evidence presented in making this determination.

10. All members of the Hearing Panel reviewed and approved this written Order.

11. The Hearing Panel determines that USEF did not fulfill its obligations under Section 220522(a)(13) of the Act relating to Complainants 2017 internal grievance with USEF. The Hearing Panel believes this was an atypical occurrence, and not as a pattern of non-compliance, and therefore determines that issue can readily be rectified.

12. Thus, the Hearing Panel issues this Order directing USEF to take appropriate action to correct the deficiency prior to making any report or recommendation to the USOPC Board.

VII. HEARING

13. On February 10, 2020, the Hearing Panel held a hearing on the Section 10 Complaint via telephonic/video conference.

14. Each party submitted a pre-hearing brief, which was considered by the Hearing Panel.

15. In attendance at the hearing were the following. For Complainants, Teresa Kandianis and Leslie Berndl, along with counsel Ms. Rachel Kosmal McCart of Equine Legal Solutions, PC. For Respondent, Sonja Keating, General Counsel and Senior Vice President of USEF and Party Representative, along with counsel Brent Rychener and Suzanne Crespo of Bryan Cave Leighton Paisner LLP. The Hearing Panel members consisting of Brad Snyder, Chair of the Hearing Panel and USOPC Board Member, Chris Ramsey, CEO of Water Polo and member of the NGB Council, and Allysa Seely, Paratriathlete and member of the Athletes' Advisory Council, were present for the entire hearing. Sara Pflipsen, USOPC Senior Counsel of Dispute Resolution acting as counsel to the Hearing Panel and Lucy Denley, USOPC Senior Paralegal acting as liaison to the Hearing Panel, were also in attendance. Monna Nickeson, a court reporter arranged by Complainants, transcribed the hearing.³

16. The Parties submitted numerous exhibits as documentary evidence, all of which were admitted into evidence without objection.

17. The Parties then made opening statements.

18. Complainants called Leslie Berndl as their only witness.

19. Respondent called four witnesses, in the following order:

- i. Danielle Aamodt
- ii. Sonja Keating
- iii. Emily Pratt
- iv. Ali Brock

20. The Parties concluded by providing closing arguments.

³ The Hearing Panel received the transcript on March 11, 2020.

VIII. RELEVANT BACKGROUND FACTS

21. On May 9, 2017, USEF provided Complainants with a “provisional”⁴ ranking for selection to the 2017 Pony World Championships. USEF communicated that only two athletes would be sent to the competition and Ms. Berndl was listed as third.

22. On May 17, 2017, Danielle Aamodt, Director of Driving at USEF, after being alerted that Ms. Berndl desired to challenge the selection, sent an email to Ms. Berndl reiterating that the selection was not final yet, so it would be “a little premature to file anything at this time.” Additionally, Ms. Aamodt told Ms. Berndl that she could file a formal grievance “when the submissions have been made to the FEI.” In response, Ms. Berndl voiced her opinion that she believed it “will be too late” to file a grievance at “the last minute,” or at the time when the submissions go to the FEI.

23. Following the inquiry about filing a grievance, on May 19, 2017, Ms. Berndl told Ms. Aamodt that “Equine Legal Solutions will be contacting the USEF next week.”

24. On June 16, 2017, Edward Young, former Chair of the USEF Sport Committee provided Ms. Berndl with USEF’s grievance procedures.

25. On July 18, 2017, USEF announced the “nominated entries”⁵ for the 2017 Pony World Championships.⁶ No change had occurred since the provisional ranking.

⁴ At that time, selection was not finalized as additional competitions were still upcoming, according to the 2017 Pony World Championships Selection Procedures. Additionally, final selection had to be approved by an Ad Hoc Group of the USEF Board of Directors.

⁵ The FEI requires a two-step process for nomination. A National Federation must first submit their “nominated entries” to the FEI and then at a later date submit the “definite entries” to the FEI.

⁶ In its announcement, USEF reiterated that only two entries per class would be permitted but that USEF had requested an additional spot from the FEI. On July 19, 2017, the FEI informed USEF that it would not be allowed to send an additional, or third, athlete.

26. On July 19, 2017, Ms. Aamodt contacted Ms. Berndl to tell Ms. Berndl that she would be the alternate. Ms. Berndl informed USEF that Equine Legal Solutions would be in contact.

27. On July 21, 2017, Ms. Rachel Kosmal McCart of Equine Legal Solutions, the attorney for Ms. Berndl, contacted Sonja Keating, USEF's General Counsel. Ms. McCart mentioned that the "final selections are about to be announced," and urged USEF to reconsider the selection.

28. On July 25, 2017, USEF distributed an additional public communication for the selections, with Ms. Berndl listed as the alternate. At that time, the selections were still "pending final approval" of the Ad Hoc group of the USEF Board of Directors.

29. USEF officially announced its "definite entries" to the World Championships on August 1, 2017. Ms. Berndl was not selected.

30. Complainants submitted an internal grievance with USEF on August 9, 2017,⁷ (i) challenging the selection of athletes to the World Championships and (ii) alleging that USEF does not provide prompt and equitable grievance procedures for selection disputes (the "2017 Grievance").⁸

31. USEF attempted to schedule an expedited hearing on the 2017 Grievance for August 14, 2017, which counsel for Complainants indicated that she was unable to attend.

⁷ USEF received the grievance via FedEx delivery on August 10, 2017.

⁸ This type of grievance, which combines and confuses two separate types of actions is problematic. Filing one grievance that contains a selection dispute and NGB non-compliance allegations causes uncertainty for the grievant and for the NGB as to which issue is being addressed and what procedure is being followed. A selection grievance and a non-compliance proceeding seeking to correct an NGB's deficiencies are two different actions with two different purposes. This case is an example of the confusion that results when a grievant combines two separate types of actions into one.

32. The 2017 Pony World Championships began on August 15, 2017.

33. Subsequently, Complainants still desired to have their 2017 Grievance heard. Thus, USEF attempted to schedule a hearing for December 5, 2017, which Complainants indicated they were unable to attend.

34. USEF submitted a Motion to Dismiss the 2017 Grievance on February 26, 2018. USEF argued that since the competition had already occurred, the 2017 Grievance was moot. On March 9, 2017, Complainants responded to the Motion to Dismiss, arguing that the “crux of the Grievance remains at issue,” as there is “no prompt and equitable process by which Federation members who are adversely affected can seek meaningful resolution.”

35. The Co-Chairs of USEF’s Hearing Committee granted the Motion to Dismiss on April 25, 2018. In their reasoning, the Co-Chairs agreed that the matter was moot and that the “question of whether the Federation followed their own Bylaws is an issue more appropriately addressed by filing a Section 10 Complaint with the United States Olympic Committee.”⁹

IX. PARTY ARGUMENTS

A. **Complainants’ Arguments**

36. Complainants make two points in alleging that USEF does not fulfill its obligations under the Act. First, Complainants claim that USEF does not have “prompt and equitable” grievance procedures for the resolution of disputes involving athlete selection or participation matters. Second, that when non-compliance grievances are filed

⁹ The United States Olympic Committee (“USOC”) changed its name to the United States Olympic & Paralympic Committee (“USOPC”) on June 20, 2019.

with USEF, USEF fails to hold a hearing, which is what happened when Complainants filed their 2017 Grievance.

37. As to the first point, Complainants state that, by USEF's own assertion, an athlete cannot challenge a selection decision until the definite entries are submitted to FEI. In the case of the 2017 Pony World Championships, the definite entries were submitted on August 1, 2017, only two weeks in advance of the competition. By that time, even if Complainants had a hearing that very day, Complainants contend that it would have been "impossible" to get themselves, their pony, their carriage and equipment to Germany in advance of the competition, especially considering how Complainants were solely responsible for arranging and paying for the transportation.¹⁰

38. As to Complainants second point, they argue that USEF does not properly implement its grievance procedures to hear complaints of non-compliance. USEF Bylaw 704 states that USEF "shall hear" complaints alleging that USEF fails to comply with its membership requirements. USEF never heard the 2017 Grievance on the non-compliance issue, stating that it was not within "the purview of the Hearing Committee," and instead, directed Complainants to the USOPC Section 10 process.

39. Accordingly, Complainants requested that the Hearing Panel find USEF out of compliance with its obligations to have a prompt and equitable grievance process. Complainants' position is that USEF must allow athletes to file grievances when selections are first announced, instead of having to wait until entries are submitted to the FEI, which effectively prohibits any kind of meaningful challenge. Further, for grievances alleging USEF's non-compliance with its obligations as an NGB,

¹⁰ Ms. Berndl testified that it could cost between \$40,000-\$50,000 to travel internationally and could take months in preparation and shipping time.

Complainants assert that USEF must refer the matter to a hearing panel, with athlete representation, instead of having the Co-Chairs of the Hearing Committee rule on the grievance, with no procedural due process.

B. Respondent's Response

40. USEF contends that its grievance procedures (i) on their face comply with the requirements of the Act and (ii) were properly implemented in the specific instance of Complainants' 2017 Grievance.

41. First, USEF contends that it has an expedited process to hear athlete selection grievances. USEF states that it provided Ms. Berndl with the opportunity for a hearing before the commencement of the 2017 Pony World Championships. However, it was only because Ms. Berndl did not attend the proposed hearing that a hearing did not occur. USEF argues that it was Ms. Berndl's "own intentional delays and refusal to timely participate in USEF's grievance procedures" as to why the grievance was never heard.

42. Second, USEF contends that Ms. Berndl had ample time to have a hearing prior to the 2017 Pony World Championships, if she hadn't delayed filing her grievance. USEF contends that Ms. Berndl could have filed a grievance when she knew she wasn't selected according to the nominated entries announcement on July 18, 2017, or at the very latest on July 19, 2019, when Ms. Aamodt called Ms. Berndl. Instead Ms. Berndl waited until August 9, 2017, to file the grievance, and, even at that time she did not request an expedited process.

43. USEF contends that this is not an issue with USEF's procedures, but rather Ms. Berndl's "unwillingness to take advantage of them." Therefore, USEF

contends that it complies with its obligations under the Act to provide a prompt and equitable grievance process in selection matters.

44. Although USEF generally denies being out of compliance with handling grievances related to allegations of non-compliance, USEF focused its arguments on compliance with providing a grievance process for selection disputes as that was the central claim in this proceeding.

X. ANALYSIS

45. Section 220522(a)(13) of the Act requires that an NGB have a “prompt and equitable” grievance process.

46. In considering whether USEF complies with Section 220522(a)(13), the Hearing Panel examined whether USEF’s grievance procedures are “prompt” and “equitable,” both on their face and in application to athlete selection disputes and non-compliance grievances.

47. First, the Hearing Panel finds that the procedures on their face provide a compliant grievance process. In fact, as evidenced in the hearing, the Complainants did not ultimately take issue with the language of the grievance procedures.

48. In terms of the “promptness” standard for athlete selection disputes, which was central to the Parties arguments in this Section 10 proceeding, USEF’s grievance procedures outline a robust process with clear timeframes. Additionally, they provide for an expedited process, when necessary. USEF Bylaw 703, states “the hearing shall be so expedited to be concluded prior to the competition.” Additionally, USEF General Rule 611.8 points out that hearings can be “decided on an expedited basis...by telephone conference if necessary.” The grievance procedures also direct that for protected

competitions, an athlete can utilize the USOPC’s complaint procedures under Section 9 of the USOPC Bylaws.

49. Also, on their face, USEF’s grievance procedures for non-compliance matters meet the standards required by the Act. USEF Bylaw 704 allows individuals to file complaints against USEF alleging that USEF “has failed to comply with its membership obligations in the USOC,¹¹” which by extension can allege non-compliance with the Act. USEF’s grievance procedures allow a process for USEF to hear non-compliance grievances.

50. Thus, the Hearing Panel determines that USEF’s grievance procedures as written, both with regard to athlete selection matters and non-compliance issues, contain the necessary elements to comply with the Act’s requirements.

51. Next, the Hearing Panel addresses the issue of how USEF handled the 2017 Grievance for (i) the underlying athlete selection dispute and (ii) the allegations of non-compliance.

52. As to the underlying athlete selection dispute, the Hearing Panel finds that because Ms. Berndl received inconsistent and incorrect advice directly from USEF about the timing of filing a grievance, along with the unique nature of equine sport, USEF did not provide for a prompt hearing.

53. USEF Bylaw 703 specifically allows an individual to bring a grievance in an athlete selection dispute prior to being denied the opportunity to participate. It states that “a grievance may be filed... when the alleged violation affected the opportunity of the complaining athlete... to participate in, *or to attempt to qualify for selection to*

¹¹ The USEF Bylaws refer to the USOPC as the “USOC” because they have not been updated yet to reflect the United States Olympic & Paralympic Committee’s name change. See also footnote number 9.

participate in...”. However, USEF’s written communication to Ms. Berndl on May 17, 2017, contradicted this when Ms. Aamodt told Ms. Berndl that she shouldn’t file a grievance because she hadn’t “been denied any rights yet.” As outlined in USEF’s General Rule 601, even if there exists a “threat” to deny an athlete with the right to participate, that athlete should not be dissuaded from filing a grievance. A threat certainly existed at that time. Any athlete who reaches out to their NGB about their right to file a grievance should receive consistent and clear advice.

54. Additionally, USEF told Ms. Berndl in the May 17 communication that it was “premature” for her to file a grievance prior to “when the submissions have been made to the FEI.” There was no distinction in that communication between “nominated entry” and “definite entry” submissions. It was therefore reasonable for Ms. Berndl to assume that this meant the “definite entry” deadline, especially since all other USEF communications about its selections to the 2017 Pony World Championships, even as late as its July 25, 2017, press release, indicated that nominations were not final until after the Ad Hoc Group approved the selection, which occurred immediately before the definite entry deadline of August 1, 2017. USEF’s advice to Ms. Berndl about the timing to file grievance conflicted with the athletes’ best interests.

55. Under this reasonable belief that an athlete could not file a grievance to challenge the selection until after the definite entry deadline, filing a grievance on that date would have presented difficulties for the athlete. Even if successful in a hearing, a rider would not be able to get his/her pony and equipment to the competition. Ms. Berndl testified that it could take months and tens of thousands of dollars to transport herself, her pony, the carriage and all the equipment to Germany for the 2017 Pony World

Championships. The Hearing Panel found this testimony to be truthful and heard nothing to the contrary.

56. The announcement of the definite entries on August 1, 2017, was only two weeks prior to the start of the competition on August 15, 2017. Although two weeks, and frankly even one day, might be enough time in another sport or under different circumstances to provide a prompt resolution of an athlete selection dispute, the specific challenges of getting to this international event in an equine sport would have required additional time. In order to provide a prompt hearing, an NGB must account for any unique circumstances that could impact the ability for an athlete to actually compete in the competition, if successful in his/her dispute.

57. It is true that in accordance with its expedited grievance procedures USEF provided an opportunity to Ms. Berndl to have a hearing on her non-selection “prior to the competition.” That hearing would have been on August 14, 2017, one day before the international competition began. However, as discussed above, if the hearing panel had ruled in Ms. Berndl’s favor, this would not have allowed her enough time to participate in the competition. Therefore, it was neither prompt nor would not have produced an equitable outcome.

58. USEF’s arguments that Ms. Berndl could have filed her selection grievance prior to the “definite entry deadline” do not align with USEF’s actions and advice in relation to Ms. Berndl’s inquiry. USEF indicated to Ms. Berndl that her grievance was not permissible until after the definite entry date. Simply put, USEF failed to provide accurate advice to Ms. Berndl as to its grievance process.

59. Accordingly, the Hearing Panel determines that USEF did not provide a prompt and equitable hearing process in handling Ms. Berndl's selection grievance.

60. As to Complainants' allegations that USEF does not have proper procedures for the handling of grievances alleging USEF's non-compliance, the Hearing Panel finds that due to USEF's delays and eventual dismissal of Complainants' allegations, USEF did not provide a prompt and equitable grievance process for the Complainants.

61. Complainants filed their 2017 Grievance on August 9, 2017. Between when the non-compliance grievance was filed on August 9, 2017, and when it was dismissed, on April 25, 2018, which was over a period of over seven months, Complainants sent numerous emails to USEF inquiring about the status of the hearing, specifically making it clear that they desired to have the allegations of non-compliance heard. On several occasions, USEF delayed in providing responses to Complainants. More importantly, USEF never appointed a hearing panel.

62. Eventually, USEF offered Complainants a hearing scheduled for December 5, 2017. However, Complainants indicated they were not available on that date. In any event, no hearing was ever held, as the non-compliance grievance was dismissed by the Co-Chairs of USEF's Hearing Committee, not by an appointed hearing panel with athlete representation. Although a grievance can be dismissed on motion, there is no valid reason in this matter for such dismissal to take place outside of the appointment of a hearing panel.

63. Further, the Co-Chairs reasoning for dismissing the grievance was problematic. USEF Bylaw 704 specifically provides that USEF shall hear grievances

related to non-compliance claims. Instead it appears that the Co-Chairs attempted to get rid of the matter by dismissing it.

64. Accordingly, the Hearing Panel determines that USEF did not provide a prompt and equitable hearing process for the non-compliance allegations of the 2017 Grievance when it first delayed providing a hearing and then dismissed Complainants' non-compliance claims.

65. In summary, the Hearing Panel finds that USEF's grievance procedures were not properly implemented as written.

66. In order to provide a more effective process that can be properly implemented, clarity to the grievance procedures would be helpful. As such, revisions are necessary.

67. In particular, simplification of the grievance procedures may prove more effective in assisting athletes to navigate and understand the process, along with facilitating USEF's efforts to properly implement the process. For example, grievance procedures for selection disputes are found both in the Bylaws and the General Rules which makes it difficult to navigate. Grievance Procedures that are clearly understandable and consolidated in one central location would better serve athletes and may eliminate issues for USEF in implementing a prompt and equitable process.

XI. AWARDING OF COSTS AND ATTORNEY FEES OR OTHER RELIEF

68. In the Section 10 Complaint, Complainants requested relief of an award of costs and attorney fees or other and further relief as is just under the circumstances.

69. The Hearing Panel determines that Complainants are justified to recover some relief due to the erroneous and inconsistent advice they received from USEF.

70. First, the Hearing Panel relies on *Fogarty v USA Badminton*, Award page 3 (Jul. 14, 2008) (Mary McCagg, Robert Latham, Max Cobb, Debbie Hesse & Courtney Johnson, Pnl. Mbrs.) and *Glefke v US Equestrian Federation*, Decision pages 4-7 (Aug. 11, 2017) (Jim Benson, Rich Bender, and Emily Azevedo, Pnl Mbrs.) in determining that it has the inherent authority to issue costs and attorney fees in a Section 10 proceeding.

71. To justify an award, the Hearing Panel finds that this dispute may have been avoided but for the bad advice provided by USEF to Ms. Berndl. NGBs have an obligation to provide a fair grievance process for members. USEF had a clear indication that Ms. Berndl desired to dispute the selection for many months and yet failed to provide her with clear and consistent advice about the process.

72. If USEF had not misled Ms. Berndl, then Ms. Berndl may have filed an internal grievance regarding the underlying selection issue well in advance. Then, the non-compliance allegations may have never arisen, eliminating the need for a Section 10 proceeding.

73. Accordingly, the Hearing Panel awards Complainants \$5,000.00 as is just and appropriate under the circumstances.

XII. RULING

74. The Hearing Panel determines that USEF did not fulfill its obligations under Section 220522(a)(13) of the Act in the handling of Complainants' 2017 Grievance, regarding both to the prompt and equitable handling of Ms. Berndl's selection dispute and to the processing of Complainants' allegations of USEF's non-compliance.

75. However, the Hearing Panel believes this was an atypical, one-off occurrence, not a continual pattern of non-compliance, and so the Hearing Panel believes that the issue can readily be rectified.

76. Therefore, the Hearing Panel orders USEF to take the following immediate actions:

- i. Communication must be publicly distributed to all USEF members indicating that an individual can challenge selection upon a “threat” of a denial in line with its grievance procedures, which may occur prior to the final definite entry.
- ii. The USEF “Athlete’s Guide to Filing a Grievance Regarding Opportunity to Participate” must be clearly updated to indicate that an athlete has the opportunity to file a grievance prior to the final definite entries if a threat of a denial already exists.
- iii. USEF must make known on its website the person who is designated as the point of contact to answer questions regarding procedural issues in filing a grievance.
- iv. USEF must establish a Policy or provide some form of written guidance to employees outlining which employees are in a position to offer advice about grievance procedures.
- v. When an elite athlete selection dispute arises in connection with a protected competition, USEF needs to make it standard practice to provide the athlete with the USOPC Athlete Ombudsman contact information.
- vi. If USEF receives a complaint combining different types of disputes, then it is the responsibility of USEF to notify the individual that two separate complaints are required.

- vii. Once a grievance is properly accepted, a hearing panel must be appointed and the panel, not the Co-Chairs of the Hearing Committee, must rule on all issues associated with the grievance.
- viii. USEF must educate the Hearing Committee, and all hearing panels, of its obligations to hear non-compliance allegations, unless properly dismissed.
- ix. USEF shall provide an award of \$5,000.00 to Complainants.

77. USEF shall comply with the above nine requirements by April 27, 2020.

78. Additionally, the Hearing Panel orders USEF to examine and revise its grievance procedures, in particular to make them clearer and easier for an athlete to read and follow. The Hearing Panel's role is not to make any determination on the substance of the revisions of the grievance procedures, but to ensure that USEF appropriately adheres to this directive for clarity. USEF shall have until November 2, 2020, to adopt a revised grievance procedure. USEF shall provide an update to the Hearing Panel on its revision efforts every ninety (90) days from the date of this Order and/or until adopted.


79. The Hearing Panel will retain jurisdiction over the case during this time.

80. If the above requirements are met, the Hearing Panel may issue a finding of compliance in its Report and Recommendation to the USOPC Board. If any of the above requirements are not met by the deadlines, the Hearing Panel will reconvene and make a determination on how to proceed at that time.

XIII. ORDER

81. It is so ordered.

Dated this 26th day of March, 2020.



for

Brad Snyder, Chair

Chris Ramsey, Panel Member
Allysa Seely, Panel Member