

AMERICAN ARBITRATION ASSOCIATION
Commercial Arbitration Tribunal

AAA Case Number: 01-14-0000-7635

In the Matter of the Arbitration between

Alex Hyatt, Claimant

and

United States Judo, Inc., Respondent

and

Affected Athletes: Gabriela Prado, Brinna Lavelle, Jessica Rodriguez, Jenna Schurr, and Summer Truong.

AWARD AND REASONED DECISION OF ARBITRATOR

I, THE UNDERSIGNED ARBITRATOR, having been designated by the American Arbitration Association, and in accordance with the Ted Stevens Olympic and Amateur Sports Act and Section 9 of the United States Olympic Committee Bylaws, having been duly sworn, and having fully considered the proofs and arguments of the Claimant and Respondent on an expedited basis, do hereby, AWARD, as follows:

THE PARTIES

This complaint arises out of United States Judo, Inc.'s ("United States Judo") rules and process for selecting athletes to compete in the 2014 IJF Junior World Championships in the girls' 48 kg. weight division on October 22-26, 2014 in Miami, Florida. More specifically, this dispute centers around whether United States Judo's published selection criteria stating that the results of the IJF Junior 48 kg. weight division competition at the 2014 Scholastic & Youth Nationals ("2014 Scholastic Nationals") on March 21-23, 2014 in Irving, Texas will determine the United States team representative, or whether the results of a re-fight during the 2014 Junior Olympics National Championships ("2014 Junior Olympics Nationals") in Irving, Texas on June 27-29, 2014 will be determinative, as its Board of Directors stated it would be in a May 7, 2014 written directive rejecting the grievance that is the subject of this arbitration proceeding.

Claimant Alex Hyatt competed in the girls' IJF Junior 48 kg. weight division in United States Judo's 2014 Scholastic Nationals and placed second. She also competed in the girls' Juvenile B 48 kg. weight division at the 2014 Scholastic Nationals. Because she was registered

for the girls' IJF Junior 48 kg. weight division at the 2014 Scholastic Nationals, on May 9, 2014, she was invited by United States Judo to register for the re-fight in accordance with its May 7, 2014 directive. However, she will be unable to participate in the 2014 Junior Olympics Nationals because she currently is training in Japan and will be there during the scheduled June 27, 2014 re-fight. Ms. Hyatt was represented by her counsel Howard L. Jacobs.

Respondent United States Judo is the national governing body for the sport of Judo in the United States, which is recognized by the United States Olympic Committee. It was represented by Thomas M. James.

Affected athlete Gabriela Prado placed first in the girls' IJF Junior 48 kg. weight division in the 2014 Scholastic Nationals. She also won the girls' Juvenile B 48 kg. weight division at the 2014 Scholastic Nationals. On June 6, 2014 United States Judo imposed a three-month suspension from competition on Ms. Prado in accordance with its applicable rules because she did not make weight at the IJF Grand Prix Habana Cuba judo competition on June 6, 2014. This suspension, which is in effect until September 7, 2014, will prevent her from competing in the scheduled re-fight of the girls' IJF Junior 48 kg. weight division at the 2014 Junior Olympics Nationals on June 27, 2014, although she received a May 9, 2014 invitation from United States Judo to register for the re-fight prior to her suspension.

Affected athletes Brinna Lavelle, Jessica Rodriguez, Jenna Schurr, and Summer Truong were registered for the girls' IJF Junior 48 kg. weight division in the 2014 Scholastic Nationals, although Ms. Truong, Lavelle, and Meara did not compete because of injuries or a failure to make weight. Because they were registered for the 2014 Scholastic Nationals, they also received a May 9, 2014 invitation from United States Judo to register for the re-fight during the 2014 Junior Olympics Nationals and apparently have done so.

JURISDICTION

The Arbitrator has jurisdiction over this dispute pursuant to the Ted Stevens Olympic and Amateur Sports Act ("the Act"), 36 U.S.C. §220501, et seq., and the USOC Bylaws. This is a controversy involving Claimant's opportunity to participate in the 2014 IJF Junior World Championships, a "protected competition," which is required to be resolved by final and binding arbitration in accordance with the Commercial Rules of the American Arbitration Association ("AAA"). 36 U.S.C. §§220509(a) and 36 U.S.C. §§220522(a)(4)(B). Section 9.1 of the USOC Bylaws prohibits an NGB from denying or threatening to deny "any amateur athlete the opportunity to participate in . . . a World Championship competition." Section 9.7 of the USOC Bylaws 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 AAA against the respondent for final and binding arbitration." Section 9.9 of the USOC Bylaws permits this arbitration proceeding to be expedited.

PROCEDURAL HISTORY OF THIS ARBITRATION

On June 24, 2014, Ms. Hyatt and William Worthington, her coach, filed a demand for arbitration of this dispute and requested an expedited hearing because a failure to resolve it before the scheduled re-fight of the girls' IJF Junior 48 kg. weight division on June 27, 2014 at the 2014 Junior Olympics Nationals would unnecessarily complicate determination of which United States judo team athlete is entitled to participate in this competition at the 2014 IJF Junior World Championships.

On June 25, 2014, the Arbitrator was appointed as the sole arbitrator in this proceeding.

On June 25, 2014, a preliminary hearing by telephone was held at 3:30pm CDT during which an expedited telephonic hearing was scheduled for June 26, 2014 at 2pm CDT and Ms. Prado, Lavelle, Rodriguez, Schurr, and Truong were identified as Affected Athletes.

On June 25, 2014 at 5:36pm, Jen Nilmeier (Manager of ADR Services for the American Arbitration Association) individually emailed Ms. Prado, Lavelle, Rodriguez, Schurr, and Truong or their respective coaches an attached "Notice of Pending Arbitration Proceeding" and a copy of the June 24, 2014 Demand for Arbitration. The "Notice of Pending Arbitration Proceeding" states:

"PLEASE TAKE FURTHER NOTICE that because you may be adversely affected by this arbitration, you have a right to appear and participate as a party in the arbitration and the right to be represented by counsel or another individual of your choice, if you so desire. A hearing by telephone has been scheduled for Thursday, June 26, 2014 at 2pm CDT. However, having now been given notice of this arbitration proceeding and your right to appear and participate as a party, **you shall be bound by the arbitrator's decision regardless of your decision whether or not to appear,** either by yourself or by a representative, in this proceeding.

Should you wish to obtain independent advice concerning your rights under the Amateur Sports Act and/or the USOC Bylaws in regards to this arbitration, you may contact Mr. John Ruger (USOC Athlete Ombudsman) or Ms. Sara Clark (USOC Assistant Athlete Ombudsman) at 719-866-5000 or by emailing Mr. Ruger at john.ruger@usoc.org or Ms. Clark at sara.clark@usoc.org."

The telephonic hearing began at 2pm CDT on June 26, 2014 and continued until approximately 5:50pm.¹ The following persons were on the conference call: Mr. Worthington;²

¹ The Arbitrator expresses his appreciation for the excellent and well organized advocacy of the parties' counsel as well as the focused testimony of the witnesses during the hearing, which significantly

Mr. Jacobs; Katy Freeman, Mr. Jacobs' legal intern; Mr. James; Kay Peoples, Mr. James' paralegal; Corrine Shigemoto, United States Judo COO and Event Director; Jose Rodriguez, United States Judo CEO; Lance Nading, United States Judo President and member of its Board of Directors; Ed Liddie, observer; John Ruger, USOC Athlete Ombudsman, Sara Clark, USOC Assistant Athlete Ombudsman; and Michael Holloway, USOC legal intern. Despite being notified of the date and time of this hearing, none of the five Affected Athletes chose to participate in the hearing, and no representative did so on behalf of any of them. Mr. Worthington, Ms. Shigemoto, Mr. Rodriguez, and Mr. Nading gave sworn testimony during the hearing. The respective written submissions of the claimant and respondent as well as claimant's exhibits 1-12 and respondent's exhibits A and B are deemed to be admissible, material, and relevant evidence by the Arbitrator.

SUMMARY OF FACTS AND PARTIES' ARGUMENTS

In relevant part, United States Judo's published athlete selection rules titled "2014 Junior World Team and Pan American Team Criteria" provide as follows:

JUNIOR WORLD TEAM TRIALS TO BE HELD AT SCHOLASTICS

"How can you qualify for the 2014 Junior World Team? USA Judo is happy to announce that the 2014 Scholastic & Youth Nationals that will be held March 21-23 in Irving, TX will be the Trial event that will identify the members of the 2014 Junior World Team.

What does this mean? You will be competing to become a member of the USA Judo National Team that will compete at the Junior World Championships. . . .

HOW TO MAKE THE TEAM

Winners of each weight division in the IJF Junior category at the 2014 Scholastic & Youth Nationals will become the USA Judo National Team members for the Junior World Championships. The silver medalists will become the Alternates. In the event that there is need to replace beyond the Alternates, the next highest ranked person on the USA Judo IJF Junior roster at the time the replacement becomes necessary will be next in line, then the next person, and so on."

Claimant's Exhibit 1 at 1-2.

facilitated my understanding of the material issues in this matter and ability to adjudicate this dispute on an extremely expedited basis.

² At the beginning of the hearing, Mr. Jacobs voluntarily removed Mr. Worthington as a claimant (with his consent) because the Arbitrator's resolution of Claimant Alex Hyatt's claims would effectively resolve his claims.

The “Event Information Packet” for the 2014 Scholastic Nationals set forth additional 2014 IJF Junior World Championships team selection rules, including the following specific rules relevant to this dispute:

SCHEDULE OF EVENTS

Friday, March 21 **Irving Convention Center**

11:00am – 4:00pm Tournament check-in and registration for **ALL** competitors/**ALL** categories.

11:00am – 4:00pm Weigh-ins for Juvenile A, B, Intermediate 2 and all Collegiate Categories . . .

Saturday, March 22 **Competition at Irving Convention Center . . .**

9:00 am Competition begins for Juvenile A, B, Intermediate 2 and Senior Collegiate Categories

11:00am - 1:00pm Weigh-ins for Bantam, Intermediate 1, and IJF-Junior Categories at **Venue**

Sunday, March 23 . . .

9:00 am Competition begins – Bantam, Intermediate 1, IJF-Junior and Novice Collegiate Categories

WEIGH-IN

See Schedule of Events for times of weigh in. A calibrated practice scale will be available prior to, and during, the weigh-in periods. However, in no case will contestants be allowed on the Official Scale during Official Weigh-In for the purpose of checking weight. Contestants may check weight as many times as desired prior to the designated time of the official weigh-in on the official scale. A contestant is given only one chance on the official scale during official weigh-in. . . .

IMPORTANT: Athletes must make their declared weight as designated/confirmed during check in/registration Athlete may change weight category during check in/registration. Failure to make declared weight will result in the athlete not competing. Athlete will not be moved to next weight category.

ATHLETES COMPETING IN TWO CATEGORIES ON SEPARATE DAYS NEED ONLY TO WEIGH IN ONE TIME PRIOR TO THEIR FIRST DAY OF COMPETITION.

RULES AND METHOD OF COMPETITION

The Championships will be conducted in accordance with the Contest Rules, Organization Code and Sporting Code of the International Judo Federation as revised for the USA JUDO Youth and Scholastic National Judo Championships. . . .

Competition Method: The standard (“true”) Double Elimination System with winner’s and loser’s brackets will be used. The winner of the loser’s bracket will compete against the winner of the winner’s bracket for 1st and 2nd place. The first one of these two contestants to have two (2) losses will be placed second; the other will be placed first.

Claimant’s Exhibit 2 at 2, 5, and 6.

The “Junior Categories Official Entry Form-2014 Scholastic Championships,” which is part of the “Event Information Packet,” states:

“IMPORTANT: DECLARED WEIGHT MUST BE MADE TO COMPETE. YOU MAY CHANGE WEIGHT CATEGORY DURING THE CHECK IN/REGISTRATION PROCESS. FAILURE TO MAKE DECLARE [sic] WEIGHT WILL RESULT IN ATHLETE NOT COMPETING IN THESE CHAMPIONSHIPS. ATHLETE WILL NOT BE MOVED TO A DIFFERENT WEIGHT CATEGORY.”

Claimant’s Exhibit 2 at 8.

USA Judo’s March 10, 2014 “Weigh In and Draw Change” for the 2014 Scholastic Nationals provides:

“Please be aware of the change in the weigh in criteria and draw schedule.

Athletes must now declare their weight category prior to officially weighing. Confirmation of weight category should be made during the check-in process and any changes made at this time. If a weight is declared and the athlete does not make that weight during the official weigh in period, they will not be moved to a different category, but rather removed from the event and not allowed to compete. The athlete must make the weight category they registered/checked-in at.”

Claimant’s Exhibit 3 at 1.

Ms. Hyatt and the other athletes who desired to compete in the girls’ Juvenile B 48 kg. weight division at the 2014 Scholastic Nationals (except for Ms. Prado, who was present during the scheduled time of the weigh in) weighed in from 11am-4pm on Friday, March 21, 2014 as required by the rules for the 2014 Scholastic Nationals. At 3:55pm on that day, Ms. Prado’s coach asked Ms. Shigemoto, the Event Director for the 2014 Scholastic Nationals, for an extension of time for Ms. Prado to weigh in for this event. Because Ms. Prado apparently was bloated from water retention and slightly over the 48 kg. maximum weight limit as a result of flying to her home in Miami, Florida from a judo tournament in Uruguay two or three days before flying to Dallas for the 2014 Scholastic Nationals, Ms. Shigemoto extended the time she could weigh in until 4:30pm. According to Ms. Shigemoto, this constituted Ms. Prado’s “official

weigh in period” for purposes of the March 10, 2014 “Weigh In and Draw Change.” There is no written documentation regarding her reason for granting this extension or Ms. Prado’s coach’s reasons for requesting it. Ms. Shigemoto testified that Ms. Prado would not have made weight if she had weighed in at or before 4pm.

Ms. Prado made weight before the 4:30pm extension, which enabled her to participate in both the girls’ Juvenile B and IJF Junior 48 kg. weight divisions because of the United States Judo rule in the “Event Information Packet” for the 2014 Scholastic Nationals that provides “ATHLETES COMPETING IN TWO CATEGORIES ON SEPARATE DAYS NEED ONLY TO WEIGH IN ONE TIME PRIOR TO THEIR FIRST DAY OF COMPETITION.” Ms. Shigemoto permitted Ms. Prado to use the “Official Scale” to check her weight before officially weighing it; she testified it was “standard practice” to allow athletes granted time extensions to use the same scale for both preliminary and official weighing after the published time for the general weigh in was over.

Even if Ms. Prado had not made weight at or before 4pm on Friday, March 21, 2014 (which would have prevented her from participating in the girls’ Juvenile B 48 kg. weight division), United States Judo rules would have permitted her to weigh in a second time from 11am-1pm on Saturday, March 22, 2014 for the girls’ IJF Junior 48 kg. weight division. According to Mr. Nading, United States Judo’s president, separate weigh ins for the same weight class in different competition classifications are necessary because some athletes compete in only one event; whereas, others such as Ms. Prado and Ms. Hyatt participate in more than one.

Although there is no written United States Judo rule permitting extensions of time for athletes to weigh in, Ms. Shigemoto testified that United States Judo rules do not prohibit the tournament director from granting extensions in individual cases. Mr. Nading testified that extensions of time to weigh in need to be granted to allow athletes to participate in high level judo competitions. Ms. Shigemoto stated there is an unwritten custom and practice pursuant to which the tournament director is given discretion to grant extensions of time to weigh in on an individual basis and cited flight, traffic, and customs clearance delays as the most common reasons for granting extensions. Over the past four years, she has granted a “handful of extensions.” She granted an extension of time to weigh in at the 2014 Scholastic Nationals to a male athlete who had experienced a customs clearance delay. In her opinion, an extension of time to weigh in of one hour or less would not provide a competitive advantage if the athlete’s competition is the next day or thereafter.

Mr. Worthington, a former competitive judo athlete who has extensive coaching experience, testified he was aware of weigh in extensions having been granted to competitors not able to be present at the site of the weigh in for reasons such as flight delays, but he was not aware of any extensions granted to those already at the event who were overweight such as Ms. Prado. He has never requested any weigh in extensions for any athletes he coaches because of his belief it would be unethical to do so because extra time to make weigh provides a “huge advantage.” During the 2014 Scholastic Nationals, he expressed concern about Ms. Prado being

granted an extension of time to weigh in to Mr. Rodriguez, United States Judo's CEO, and Ms. Shigemoto and testified he was told it was consistent with past practices because it was due to a flight delay issue she experienced. He is not aware of any on-site United States Judo protest procedures for raising athlete eligibility issues such as this one prior to the beginning of a competition

On or about April 1, 2014, Mr. Worthington filed a grievance with United States Judo protesting the weigh in time extension Ms. Shigemoto granted to Ms. Prado and asserting she should not have been allowed to compete in the 2014 Scholastic Nationals. On May 2, 2014, its Judicial Panel concluded "in retrospect, the reasons for the extension request for Prado should not have been a sufficient reason to grant this extension." Because it found "Prado relied, to her detriment, on the decision of USA Judo officials regarding her weigh-in weight," it did not recommend that Ms. Prado be disqualified from competing in the girls' IJF Junior 48 kg. weight division at the 2014 IJF Junior World Championships. Although the Judicial Panel "believes that [Ms. Shigemoto] was acting in good faith by extending weigh-in times based on prior practices within USA Judo and [the PanAmerican Judo Union]," it recommended "As regards to weigh-in procedures, USA Judo should align with procedures currently followed by the IJF rather than the inconsistent application of extensions, as currently applied." Claimant's Exhibit 8 at 5.

On or about May 7, 2014, United States Judo's Board of Directors denied this grievance in a letter from Mr. Nading to Mr. Worthington, which states in relevant part:

"The Board has determined that all parties involved (players, coaches and staff) acted with good intention in both the weigh-in and the response and inquiry to the weigh-in. However, the Board has also determined that in the interest of equity and transparency, the division should be re-fought as a trial to determine the selection of an athlete to represent the United States on the 2014 IJF Junior World Championships team in the [girls'] -48kg weight division.

All athletes who registered for that division at the 2014 Scholastics National Championships will be invited to register for the re-fight. The re-fight of the division will be held in conjunction with the upcoming 2014 Junior Olympics National Championships."

Claimant's Exhibit 6 at 1.

Although this communication does not expressly invalidate Ms. Prado's first place finishes in the girls' IJF Junior and Juvenile B 48 kg. weight division in the 2014 Scholastic Nationals, Mr. Nading, who is a member of its Board of Directors, testified that the Board's directive is an "effective nullification of her results." He and Ms. Shigemoto stated that the draw and bracketing for these competitions would have been different if Ms. Prado had not been

allowed to participate and that the resulting place winners from different pairing would be speculative.

On May 24, 2014, Ms. Hyatt filed a Section 9 Complaint with the United States Olympic Committee challenging United States Judo's denial of her grievance, which has not been resolved to date. Claimant's Exhibit 8.

In this arbitration proceeding, Ms. Hyatt contends that United States Judo breached its published athlete selection rules for the 2014 Junior World Team by granting Ms. Prado an extension of time to make weight based on an unwritten custom and practice pursuant to which the tournament director is given discretion to grant extensions of time to weigh in on an individual basis. The athlete selection rules, which cannot be modified by any unwritten custom and practice, were inconsistently applied, thereby giving Ms. Prado more time to make weight in the girls' 48 kg. weight division than the other participating athletes. In accordance with these rules, Ms. Prado should not have been permitted to compete in the 2014 Scholastic Nationals because she did not make weight during the official weigh in period. Therefore, she is ineligible to compete as a member of the United States Judo 2014 IJF Junior World Championships Team. As the alternate by virtue of her second place finish, United States Judo's athlete selection rules require Ms. Hyatt to be named to the United States team for the 2014 IJF Junior World Championships Team in the girls' 48 kg. weight division. There is no provision in these rules for a re-fight during the 2014 Junior Olympics National Championships to determine the athlete entitled to this team slot. She requests that United States Judo be required to reimburse her for the AAA filing fee and the costs of this arbitration and to make a contribution towards her legal fees in connection with this proceeding.

United States Judo asserts that granting Ms. Prado an extension of time to make weight in accordance with its custom and practice did not violate its athlete selection rules for the 2014 IJF Junior World Championships Team, and that she made weight during the official weigh in period applicable to her. Its Board of Directors acted in a fair and reasonable manner under the circumstances by allowing all athletes who registered for the girls' IJF Junior 48 kg. weight division at the 2014 Scholastic Nationals to compete in the re-fight at the 2014 Junior Olympics National Championships to eliminate any controversy caused by the weigh-in extension granted to Ms. Prado. It requests that the Arbitrator deny Ms. Hyatt's requested relief and allow the re-fight to occur.

LEGAL ANALYSIS

"It is well accepted that the standard of review for cases arising under Section 9 of the USOC Bylaws is de novo. Section 9 proceedings are not appeals of NGB decisions and there is no requirement for an arbitrator in these proceedings to give deference to any prior decision and in fact it would be incorrect to do so." *Craig v. USA Taekwondo, Inc.*, AAA Case No. 77 190E 00144 11 JENF (August 21, 2011) at 5.

Because this is an athlete selection dispute arising under Section 9 of the USOC Bylaws, the claimant (here, Ms. Hyatt) has the burden of proving her claim by a preponderance of the evidence. *Casey Tibbs and United States Paralympics*, 71 190 E 00406 12 JENF (August 28, 2012) at 14. “Section 9 jurisprudence requires [Ms. Hyatt] to prove [United States Judo] breached its approved and published Athlete Selection Procedures for the [2014 IJF Junior World Championships], applied them inconsistently to athletes similarly situated, acted in bad faith towards or with bias against [her], and/or violated applicable federal or state laws (e.g., Ted Stevens Olympic and Amateur Sports Act).” *Id. See also Craig*, supra at 5 (“because this case involves an athlete selection issue, the burden of proof rests with the athlete to demonstrate that the NGB failed to appropriately apply its rules to the facts at issue.”).

Regarding its athlete selection process for protected competitions such as the 2014 IJF Junior World Championships, United States Judo has “the responsibility to athletes and others to make the rules clear, transparent, and easy to apply without confusion. . . . Athletes are entitled to know what standard they have to meet and precisely how such selections will be made.” *McConneloug and USA Cycling*, 30 190 00750 04 (July 20, 2004) at 7.

United States Judo’s published athlete selection rules for the 2014 Junior World Team satisfy these legal requirements by being “clear, transparent, and easy to apply without confusion” as well as providing notice to athletes regarding “precisely how” team selections will be made. These rules expressly provide as follows: “Winners of each weight division in the IJF Junior category at the 2014 Scholastic & Youth Nationals will become the USA Judo National Team members for the Junior World Championships. The silver medalists will become the Alternates.” (Claimant’s Exhibit 1 at 2.) “If a weight is declared and the athlete does not make that weight during the official weigh in period, they will not be moved to a different category, but rather removed from the event and not allowed to compete.” (Claimant’s Exhibit 3 at 1.) The official weigh in period for the Juvenile A, B, Intermediate 2 and all Collegiate Categories was 11:00am – 4:00pm on Friday, March 21; for the Bantam, Intermediate 1, and IJF-Junior Categories, it was Saturday, March 22. (Claimant’s Exhibit 2 at 2.)

There is no evidence that United States Judo or any individual employed by or associated with it acted in bad faith towards or with bias against Ms. Hyatt or any other competitors, and/or violated any applicable federal or state laws. However, United States Judo did breach its approved and published Athlete Selection Procedures for the 2014 IJF Junior World Championships by granting Ms. Pardo a 30-minute extension of time until 4:30pm on Friday, March 21 to weigh in for the Juvenile B 48 kg. competition, which is outside of the “official weigh in period” of 11:00am – 4:00pm set forth in its rules. Ms. Shigemoto’s exercise of discretion pursuant to an unwritten custom or practice of granting extensions of time to weigh in to athletes based on individual circumstances was not expressly prohibited by United States Judo’s team selection rules. But it is inconsistent with the facially uniform applicability of these rules to all athletes, which do not explicitly or implicitly permit any exceptions in individual

cases or grant tournament directors the authority to exercise subjective discretion regarding when it is appropriate to grant extensions of time to weigh in. Moreover, this resulted in the inconsistent application of United States Judo's team selection rules to athletes similarly situated (i.e., those required to weigh in within the "official weigh in period" of 11:00am – 4:00pm for the Juvenile B 48 kg competition).

By making weight for the Juvenile B 48 kg. competition by 4:30pm on Friday, March 21, Ms. Pardo also made weight for the IJF Junior 48 kg. competition. However, United States Judo's Judicial Panel concluded "in retrospect, the reasons for the extension request for Prado should not have been a sufficient reason to grant this extension." Therefore, because she never made weight within the "official weigh in period" for either competition as required by United States Judo's published rules, the Arbitrator determines she should not have been permitted to participate in either event, and her competition results the IJF Junior 48 kg. competition (which are the focal point of this arbitration proceeding) are invalid. This conclusion is consistent with United States Judo's "effective nullification of her results" in its May 7, 2014 directive that a re-fight at the 2014 Junior Olympics National Championships be held "to determine the selection of an athlete to represent the United States on the 2014 IJF Junior World Championships team in the [girls'] -48kg weight division." Claimant's Exhibit 6 at 1.

Although the Arbitrator concludes that this re-fight directive constitutes a good faith effort by the Board of Directors to resolve the controversy generated by the extension of time to weigh in granted to Ms. Prado, it contravenes United States Judo's published Athlete Selection Procedures for the 2014 IJF Junior World Championships, which do not contain any provision authorizing this selection procedure if an athlete is disqualified or her results are invalidated. The applicable rule expressly and unambiguously provides: "The silver medalists will become the Alternates." If the gold medalist or first place finisher in the girls' IJF Junior 48 kg. weight division at the 2014 Scholastic Nationals is disqualified (i.e., Ms. Pardo) or otherwise unable to compete, then the silver medalist or second place finisher (assuming she meets all other eligibility requirements, which Ms. Hyatt apparently does) is entitled to be selected for the 2014 IJF Junior World Championships team. United States Judo's team selection rules create the legitimate expectation that an athlete who satisfies the published qualification criteria will be selected for the team. United States Judo's Board of Directors is required to follow its own rules and cannot preclude their valid application to the benefit of Ms. Hyatt by creating an entirely new unauthorized athlete selection procedure, even if its motivation is "the interest of equity and transparency."

The Arbitrator is fully and painfully aware that this award will result in disappointment to those athletes who accepted USA Judo's invitation to participate in a re-fight during the 2014 Junior Olympics National Championships (e.g., some or all of the Affected Athletes) that would determine the girls' 48 kg. weight division for the 2014 IJF Junior World Championships Team

as well as perhaps unnecessary unreimbursed travel expenses incurred by them and their families. These would be regrettable results, but unfortunately they are the unavoidable costs of ensuring that a national governing body's team selection rules for protected competitions are legally recognized and enforced. The Arbitrator hopes that similar future problems can be avoided by consistent internal application and enforcement of such rules.

DECISION AND AWARD

Based on the foregoing facts and legal analysis, the Arbitrator decides and awards as follows:

USA Judo shall name Alex Hyatt as the United States team competitor for the 2014 IJF Junior World Championships Team in the girls' 48 kg. weight division.

USA Judo is responsible for the costs of the AAA filing fees and the Arbitrator's compensation for this arbitration proceeding and is required to reimburse Ms. Hyatt for the amount that she has paid to AAA.

Each party shall bear its own attorney's fees and costs associated with this arbitration.

This Award is in full settlement of all claims submitted to this Arbitration. All claims not expressly granted herein are hereby denied.



Matthew J. Mitten, Arbitrator

June 27, 2014