

**AMERICAN ARBITRATION ASSOCIATION
Commercial Arbitration Tribunal**

FAITH DILLON

v.

USA TAEKWONDO, INC.

and

MAKAYLA GREENWOOD

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AAA Case No. 01-22-0003-5392

FINAL 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 Committee (“**USOPC**”) Bylaws, having been duly sworn, and having duly heard the proofs and allegations, and considering any and all evidence provided by Faith Dillon (“**Claimant**” or “**Dillon**”), USA Taekwondo, Inc. (“**USAT**”), and Makayla Greenwood (“**Greenwood**”) (individually “**Party**” or collectively the “**Parties**”) hereby finds, concludes, determines, and awards as follows:

I. Procedural History

On August 17, 2022, Claimant submitted her *Commercial Arbitration Rules Demand for Arbitration* and *Section 9 of USOPC Bylaws Complaint Form* to the American Arbitration Association (“**AAA**”).

On August 18, 2022, the Arbitrator was appointed to serve as the arbitrator in this proceeding.

On August 18-19, 2022, the Parties exchanged emails and agreed on a briefing schedule, schedule for exchange of exhibits and information, and the date and time of hearing. The Parties agreed to conduct the evidentiary hearing on August 21, 2022 beginning at 1:00 p.m. CT.

On August 19, 2022, AAA issued the *Notice of Hearing* confirming the evidentiary hearing to be held on August 21, 2022 beginning at 1:00 p.m. CT.

The final hearing was held via Zoom conference on August 21, 2022 commencing at 1:00 p.m. CT and concluding at 5:20 p.m. CT. During the hearing, Dillon appeared along with her counsel, Howard L. Jacobs and Katy Freeman of the Law Offices of Howard L. Jacobs, USAT appeared through its counsel, Stephen A. Hess of the Law Office of Stephen A. Hess, P.C., and Greenwood appeared along with her counsel, Matthew D. Kaiser of Global Sports Advocates,

LLC. 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.

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. Dillon

Dillon submitted exhibits labeled C-1-C-13 and such exhibits included the following:

Exhibit C-1: USA Taekwondo Selection Procedures for World Taekwondo Grand Prix Series

Exhibit C-2: *Craig v. USA Taekwondo.*

Exhibit C-3: *Lea v. USA Cycling.*

Exhibit C-4: *Komanski v. USA Cycling.*

Exhibit C-5: *Hyatt v. USA Judo.*

Exhibit C-6: *McConnelloug v. USA Cycling.*

Exhibit C-7: *Klug v. US Ski and Snowboard.*

Exhibit C-8: *Viola v. USA Diving.*

Exhibit C-9: *Marable v. USA Wrestling.*

Exhibit C-10: Faith Dillon's Section 9 Complaint

Exhibit C-11: July 25, 2022 Email from May Spence

Exhibit C-12: *Rahimi v. USA Taekwondo.*

Exhibit C-13: *Yun v. USA Taekwondo.*

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

1. Faith Dillon
2. Brendan Dillon

B. USAT

USAT submitted exhibits labeled R-20 - R-32 and such exhibits included the following:

- Exhibit R-20: Grand Prix Data Sheet WT
- Exhibit R-21: Final Selection Process for WT GP Series - July 25
- Exhibit R-22: Olympic Koryugi Ranking W-57 kg July 2022
- Exhibit R-23: World Koryugi Ranking W-57 kg July 2022
- Exhibit R-24: World Koryugi Ranking W-53 kg July 2022
- Exhibit R-25: Faith Dillon World Taekwondo Data -- July 2022
- Exhibit R-26: Makayla Greenwood World Taekwondo Data -- July 2022
- Exhibit R-27: Anastasija Zolotic World Taekwondo Data -- July 2022
- Exhibit R-28: Faith Dillon e-mail to Selection Committee
- Exhibit R-29: Makayla Greenwood letter to Selection Committee
- Exhibit R-30: Selection Committee Minutes July 26, 2022
- Exhibit R-31: Selection Committee Notification to Athletes July 26, 2022
- Exhibit R-32: WT Ranking Bylaw

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

1. Paul Green

C. Affected Athlete -- Greenwood

Greenwood submitted exhibits labeled AA-33 - AA-43 and such exhibits included the following:

- Exhibit AA-33: Statement of Makayla Greenwood, dated Aug. 19, 2022
 - A. Makayla Greenwood's Athlete Selection Letter
 - B. Exhibit AA-34: World Taekwondo Standing Procedures for Grand Prix, Nov. 2021
 - C. Exhibit AA-35: World Taekwondo Standing Procedures for Grand Prix, Sept. 2022

- D. Exhibit AA-36: USA Taekwondo July 25, 2022 Email
- E. Exhibit AA-37: *Vilandrie v. US Ski and Snowboard*, AAA 01 19 0004 4814 (Dec. 18, 2019).
- F. Exhibit AA-38: *Rahimi v. USA Taekwondo*, AAA 01 20 0000 5425 (Mar. 4, 2020).
- G. Exhibit AA-39: *Rivera v. USA Cycling*, AAA 01-16-0002-6302 (Jul. 26, 2016).
- H. Exhibit AA-40: *McConneloug v. USA Cycling, Inc.*, AAA 30 190 00750 04 (Jul. 20, 2004).
- I. Exhibit AA-41: *Jurak v. US Speedskating*, AAA 01 22 0000 1852 (Jan. 28, 2022).
- J. Exhibit AA-42: *Liu v. USA Table Tennis*, AAA 01 19 0001 4377 (Jun. 20, 2019).
- K. Exhibit AA-43: *Yun, et al v. USA Taekwondo*, AAA 01 15 0005 7406 (Dec. 23, 2015).

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

1. Makayla Greenwood

III. 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. any Delegation Event as defined by these Bylaws
- ii. any international competition between athlete(s) officially designated by the appropriate NGB as representing the United States, either individually or as part of a team, and any athlete(s) representing any foreign country where
 1. the terms of such competition require that the entrants be individuals or teams representing their respective nations; and
 2. the athlete(s) representing the United States are organized and sponsored by the appropriate NGB in accordance with a defined selection or tryout procedure that is open to all and publicly announced in advance except for domestic amateur athletic competition, which, by its terms, requires that entrants be expressly restricted to members of a specific class of athletes such as those referred to in Section 220526(a) of the Act (i.e., high school students, college students, members of the Armed Forces, or similar groups or categories);
- iii. any domestic competition or event (i.e., a camp, tryout, or trials event) organized and conducted by an NGB or PSO in its selection procedure and publicly announced in

advance as a competition or event directly qualifying each successful competitor as an athlete representing the United States in a Delegation Event or protected international competition as defined in ii. above.

USOPC Bylaws Section 9.7 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 9.7 and 9.9 of the USOPC Bylaws, the arbitration proceeding may be expedited.

IV. Background

USAT is the NGB for taekwondo in the United States and is recognized as such by the USOPC and World Taekwondo (“**WT**”). WT is the International Federation recognized by the IOC to govern the sport of taekwondo. WT sanctions international competitions, and through those competitions athletes can earn points toward competition in the most prestigious WT events including the WT Grand Prix Final, WT World Championship, and the Olympic Games.

USAT is authorized as the NGB for the sport of taekwondo 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)(ii) of the USOPC Bylaws, USAT must “establish clear . . . procedures . . . approved . . . by the [USOPC] . . . and timely disseminate such procedure to the athletes and team officials.”

USAT adopted certain policies and procedures for qualification for the Grand Prix competitions. USAT drafted and adopted the *USATKD Selection Process for World Taekwondo Grand Prix Series* on July 25, 2022 (“**Procedures**”). *Ex. C-1*. In pertinent part, the Procedures provide as follows:

USATKD Selection Process for World Taekwondo Grand Prix Series

The World Taekwondo Grand Prix Series is an invitation only event series, with invitations determined by an athlete’s position in the Olympic Ranking, the top 32 ranked athletes who accept the invitation making up the competition field.

Each country is only allowed to send two athletes to a Grand Prix event, meaning that if one country has three or more athletes inside the ranking qualification range, it must select two athletes who will attend. This decision is at the discretion of each National Federation and places are not automatically handed to the highest ranked athlete in the Olympic rankings.

As the Olympic Ranking in each of the eight Olympic weight categories can include points

earned in multiple weight divisions (the actual weight division and the weights immediately above and below – for example, Olympic male -68kg division ranking can include points earned in World divisions -63kg, -68kg and -74kg) it is necessary to consider many factors, including in which division an athlete's points were earned, along with strength of competition in order to make this decision in the fairest possible way.

Starting spots in World Taekwondo Grand Prix events will be awarded to the individual athletes who have the highest predicted finish at the Grand Prix event for which selection is being made as determined by the two U.S. National Team Coaches and one athlete representative who is no longer actively competing (to be agreed between the USATKD CEO and USATKD Athlete Advisory Committee).

The 'highest predicted finish' shall be determined in the discretion of the selection committee, taking into account the following data, not necessarily ranked by importance and no single point of which shall be controlling:

1. World *and* Olympic athlete rankings at the time that the selection decision must be made.
- 2.
3. The weight category in which the athlete earned his/her ranking points, and in particular whether the athlete will be fighting up a weight due to consolidation of weight categories for Grand Prix events;
4. The competitions in which the individual earned points, where accumulating points with modest finishes over several competitions may not be as strong a predictor of future finishes as earning points in fewer competitions but with higher finishes;
5. Performances in international versus national competitions;
6. The strength of field in international competitions in which each athlete has competed;
7. Performances in head-to-head matches with other candidates or, where appropriate in the judgment of the committee, performances against common opponents;
7. The general trend of performances, in which a trend toward improved performances in recent history may be more an indicator of future success than flat or declining performances.

In cases in which the selection committee determines that the predicted finishes of two or more athletes, taking into consideration the criteria above are not materially different, the selection committee may elect to allocate available starting spots to different athletes in different Grand Prix competitions.

Exhibit C-1.

V. 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.

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 USAT breached the approved and published Procedures, applied the 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 USAT must have no rational basis, *i.e.* is unreasonable, arbitrary or capricious, 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 USAT chose the best process for selecting teams, or to substitute lay judgment for the expert professional judgement of USAT in establishing the Procedures. *Id.* Rather, it is a *de novo* review, with no deference, of the application of the Procedures to the facts of the individual case. *Komanski v. USA Cycling*, AAA Case No. 01-15-0004-9907 (Nov. 15, 2015).

When “discretionary” factors are used in the athlete selection process, there shall be objective facts used in order for the factors to be applied fairly. In *Viola v. USA Diving*, the arbitrator explained as follows:

While it is acceptable for USA Diving to include discretionary factors in the Team selection process, such factors must have an objective basis in order to comply with USOC guidelines. Having an objective basis does not mean that there are objective reasons for including them as selection criteria. Rather, it means the Selectors’ evaluations of athletes on these factors must be supported by objective facts to ensure that these factors are applied fairly. Additionally, given the critical requirement of communicating understandable selection criteria to the athletes, the discretionary factors—like all factors in the selection process—need to be clearly defined. Clearly defined criteria are necessary to provide guidance to ‘competitive athletes, who ... use enumerated criteria to evaluate their training and performance. Such criteria also ensure that the Selectors share a common understanding of what the criteria mean and how they are to be applied.

Viola v. USA Diving, AAA Case No. 30 190 00828-05 (Dec. 29, 2015)(internal citations omitted).

B. Whether USAT breached the published Procedures.¹

USAT was awarded two (2) places for American women’s taekwondo athletes to compete at the Grand Prix events and, specifically, Grand Prix events known as the Paris Grand Prix and the

¹ Dillon argues only that USAT breached the published Procedures and, thus, the Arbitrator does not evaluate whether USAT applied the 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.

Manchester Grand Prix. To qualify for the Grand Prix events, athlete's must be one of the top thirty-two (32) ranked athletes based on Olympic ranking. In the -57 kg weight class, the United States is in the inviable position of having three (3) athletes who are ranked in the top thirty-two (32) of the Olympic rankings. The -57 kg weight class athletes qualifying for the Grand Prix events are Anastasija Zolotic, Dillon, and Greenwood. As the reigning Olympic champion and the number one (1) ranked women's taekwondo athlete in the -57 kg weight class, Anastasija Zolotic was selected to compete in both the Paris Grand Prix and the Manchester Grand Prix.

The USAT Selection Committee (the "Committee") consisted of Paul Green (USAT director of coaching), Gareth Brown (USAT national team head coach), and Jaysen Ishida (athlete representative). For the remaining positions for the Grand Prix events, the Committee sought to determine the "highest predicted finish" based on the following criteria as set forth in the Procedures:

1. World *and* Olympic athlete rankings at the time that the selection decision must be made.
- 2.
3. The weight category in which the athlete earned his/her ranking points, and in particular whether the athlete will be fighting up a weight due to consolidation of weight categories for Grand Prix events;
4. The competitions in which the individual earned points, where accumulating points with modest finishes over several competitions may not be as strong a predictor of future finishes as earning points in fewer competitions but with higher finishes;
5. Performances in international versus national competitions;
6. The strength of field in international competitions in which each athlete has competed;
7. Performances in head-to-head matches with other candidates or, where appropriate in the judgment of the committee, performances against common opponents;
- 8.
9. The general trend of performances, in which a trend toward improved performances in recent history may be more an indicator of future success than flat or declining performances.

The Procedures state if the Committee concludes that the "predicted finishes of two or more athletes" are "not materially different", then the Committee can "allocate available starting spots to different athletes in different Gran Prix competitions." Ultimately, the Committee selected Greenwood to compete at the Paris Grand Prix in September 2022 and Dillon to compete at the Manchester Grand Prix in October 2022. From that decision, Dillon files this arbitration seeking to be appointed to also compete in the Paris Grand Prix in place of Greenwood.

The Committee collected information presented by the athletes setting forth their arguments for candidacy for selection to compete at the Grand Prix events and also compiled data analyzing both Dillon and Greenwood. *Exhibits R-22 – R-29*. Mr. Green testified that the Committee met via Zoom on July 26, 2022 and addressed each of the above-referenced criteria. After reviewing data, discussing, and debating selections, the Committee determined that was Dillon and Greenwood were “not materially different” and, thus, “split” the Grand Prix events between Greenwood and Dillon selecting Greenwood for the Paris Grand Prix and Dillon for the Manchester Grand Prix. On July 26, 2022, May Spence, USAT Senior Director of High Performance, notified the athletes of their selection to compete at Grand Prix events. *Exhibit R-31*.

Dillon argued the data established that she had the “highest predicted finish” and, thus, she should have been selected to compete in both the Paris Grand Prix and the Manchester Grand Prix. Dillon argued that she presented superior statistics and data in five (5) of the seven (7) categories used to determine the “highest predicted finish” as listed in the Procedures including that Dillon has scored more points in the -57 kg weight class, has earned points against better competitors, has placed better at national and international competitions, and has a 3-2 head-to-head competition advantage.

In reviewing the Procedures, the Arbitrator does not substitute his judgment for the experts on the Committee even if the Arbitrator does not agree with the selection made, but rather reviews the application of the Procedures as applied to the facts and circumstances presented *de novo*. The burden of proving that USAT breached the Procedures rests with Dillon.

Both Dillon and Greenwood are taekwondo athletes who have risen substantially in the taekwondo rankings over the course of the last eighteen (18) months. Dillon is twenty (20) years old whereas Greenwood is eighteen (18) years old. By all accounts, Dillon and Greenwood have great potential and are working diligently to become top competitors in the world and represent the United States in upcoming Olympic Games and other top competitions. The documentation provided, including the Committee meeting minutes, does not show a point-by-point analysis of the criteria for determine the “highest predicted finish”, but indicates that the Committee reviewed “the documents and data submitted by the athletes and the underlying WT data” as well as discussion about the “individual rankings, match results, and all other criteria set out in the selection procedures.” As referenced in the Committee meeting minutes, “neither Makayla Greenwood nor Faith Dillon clearly demonstrated that she would have the ‘highest predicted finish,’ and the Committee exercised its discretion under the Selection Procedures to send Ms. Greenwood and Ms. Dillon to one Grand Prix each.” Mr. Green further confirmed the same in his testimony almost verbatim.

When reviewing the objective data, it is difficult to discern whether either candidate has aptly shown that she meets the “highest predicted finish” criteria. When reviewing the Olympic rankings, Greenwood is the number twenty-four (24) ranked athlete in the world in the -57 kg weight class whereas Dillon is ranked number twenty-eight (28). *Exhibit R-22*. Mr. Green confirmed that WT only looks to the Olympic ranking when addressing the ranking of the athletes for the purposes of Grand Prix events. The Procedures, however, take into account both the Olympic ranking and the world ranking. The world rankings favor Dillon. *Exhibits R-23, R-24*.

Dillon's primary argument focused on the weight classes in which both athletes compete. The -57 kg class is an Olympic weight class. Competitors in the -53 kg class, -57 kg class, and the -62 kg class usually compete in the -57 kg class for more prominent competitions like the Grand Prix events, because the -53 kg class and the -62 kg class are not offered. Greenwood often competes in the -53 kg class. Dillon primarily competes in the -57 kg class, but also competes in the -62 kg class from time-to-time. Dillon certainly has obtained more points competing in the -57 kg class than Greenwood. However, when comparing G2 events where Dillon and Greenwood competed in the same event, Dillon had a better average place finish than Greenwood. *Exhibit R-25, R-26.*

The athletes have competed against one another on five (5) occasions with Dillon winning three (3) matches and Greenwood winning two (2) matches. Greenwood, however, bested Dillon in the Olympic trials for the Tokyo Olympic games and was ultimately selected as the alternate in the -57 kg class. Additionally, Greenwood won the last meeting between the two (2) athletes.

The Arbitrator does not find Dillon to be a superior athlete to Greenwood or Greenwood to be a superior athlete to Dillon. Although both Dillon and Greenwood are upcoming stars for USAT and both have positive attributes when reviewing the objective data, there is no material difference when seeking to determine the highest predicted finish of the athletes. The Arbitrator cannot and does not supplant the judgment of the Committee when the Procedures are followed. The Arbitrator, therefore, concludes that Dillon did not carry her burden to establish a breach of the Procedures. Accordingly, the decision of the Committee to select Greenwood to compete in the Paris Grand Prix in September 2022 and Dillon to compete in the Manchester Grand Prix in October 2022 shall stand and will not be modified.

VI. Decision

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

- The Arbitrator finds and concludes that Dillon failed to meet her burden to establish a breach of the Procedures. Accordingly, the decision of the Committee to select Greenwood to compete in the Paris Grand Prix in September 2022 and Dillon to compete in the Manchester Grand Prix in October 2022 shall stand and will not be modified.
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- The Parties shall bear their own attorneys' fees and costs associated with this arbitration.
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- The administrative fees and arbitrator compensation for AAA are to be borne as incurred.
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- 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: August 23, 2022