

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

Benjamin Hadden, Claimant

**and AAA No. 01-16-0003-7006
United States Olympic Committee and
USA Table Tennis, Respondents**

FINAL DECISION

THE UNDERSIGNED ARBITRATOR, having been randomly selected by the American Arbitration Association from the Arbitrator Pool and having been duly sworn and having duly heard the arguments and allegations of the parties on August 30, 2016, finds and decides as follows:

I. HISTORY

The Claimant, Benjamin Hadden, contends that he was not provided his requested accommodations that would allow him to properly compete in the 2016 Paralympics in Rio, Brazil, and that such denials violated the Americans with Disabilities Act, Title I and II, the Ted Stevens Olympic and Amateur Sports Act, and the by-laws of both the United States Olympic Committee (“USOC”) and USA Table Tennis (“USATT”). The Claimant requested a formal hearing on August 29, 2016, and that it be expedited.

On August 30, 2016, the undersigned was confirmed as the Arbitrator pursuant to the AAA Commercial Rules of Arbitration. USATT agreed to submit the issue to binding arbitration.

II. ARBITRATION HEARING

Benjamin Hadden qualified to participate in the 2016 Paralympic Games as a member of the United States delegation as a table tennis athlete. Table Tennis Team Leaders were selected for the

Rio Paralympic Games on or about March 8, 2016. Mr. Ross Brown was notified on March 29, 2016, that he had been selected as the Team Leader. USA Table Tennis was only given/receives 5 credentials for the games. Three are for athletes, one is for the Team Leader, and the other is for Mr. Kaye. Subsequently, the long list from the NGBs was due to the USOC. Mr. Brown's nomination for Team Leader was submitted to USOC on or about June 10, 2016. The short list for entries was submitted by USOC to the Rio Organizing Committee on August 15, 2016.

Mr. Hadden's claim for arbitration was filed first as a Section 9 complaint against USA Table Tennis and then a claim for arbitration on August 29, 2016. The United Airlines flight with athletes was to leave for Rio around 9:30 p.m. on August 30, 2016. The opening ceremony for the Rio Paralympics Games was scheduled for September 7, 2016.

Participants present for the telephone conference on August 30, 2016, included the Claimant, Benjamin Hadden represented by Gary Reeve. Also present on behalf of the Claimant was his mother, Julia Hadden. Mr. Reeve presented the testimony of both and of Dr. Daniel Nelson.

Sara Clark, Kacie Wallace, and Tara O'Conner participated on behalf of Respondent United States Olympic Committee. Julie O'Neill, Managing Director, U.S. Paralympics, and Dean Nakamura, Director, Paralympic International Games, appeared along with Gary Johansen, Associate General Counsel. Gordon Kaye appeared on behalf of USA Table Tennis along with counsel William Robers.

The Claimant and Mrs. Hadden testified extensively about the need for Mrs. Hadden to be present at all times during the Paralympics in Rio, including before and after the competition. Dr. Nelson, the treating physician and Professor of Psychiatry at UC Medical School, testified that there were no other accommodations that would ensure that the Claimant could reasonably participate in the events.

Mr. Hadden, according to Dr. Nelson, is challenged by Tuberous Sclerosis, Autism, Epilepsy, and Bi-Polar Disorder. The Claimant argued that he was entitled to the accommodations sought, alleged that the participation and attendance by Mrs. Hadden constituted a reasonable accommodation and that he was entitled to such an accommodation under the Americans with Disabilities Act.

A number of exhibits were introduced by the parties, including the opinion of Dr. Nelson and the requested demands for Mrs. Hadden for her participation.

Mr. Kaye testified regarding the credentialing procedure and the nomination of Mr. Brown. He also testified regarding the offer by USATT to assist with Mrs. Hadden to attend and participate in the Rio Games. The offered accommodations were valued at between \$4,000 to \$5,000. Mrs. Hadden declined the offer.

Ms. O'Neill testified on behalf of the USOC. She indicated that over 176 accredited staff would be attending the game including medical staff. She indicated that there were 14 attendees at the medical clinic, including two sports psychologists. Mr. Nakamura also testified on behalf of USOC. The evidence presented indicated that there was no federal funding for USATT.

III. FINDINGS

USATT is governed by the Bylaws of USATT, updated on August 22, 2015. USATT is an organization accepted into the membership of the United States Olympic Committee as an Olympic Sport Organization recognized by the USOC as the national governing body for table tennis, a sport on the program of the Olympic Games. USATT is governed by the Ted Stevens Olympic and Amateur Sports Act, 36 USC §§ 220501-220529 (the "Act").

Pursuant to the Act, USATT agreed to submit to binding arbitration in any controversy involving the opportunity of Benjamin Hadden to participate in the 2016 Paralympic Games, conducted in accordance with the Commercial Rules of the American Arbitration Association. As a member of the USOC, USATT is bound by the

Bylaws of the USOC, effective as of June 30, 2016.

The Claimant's claims are denied. The Claimant did not cite to any authority in support of his position. The statutes cited above do not support the Claimant's request for relief. The entities are not "employers" within the meaning of Title I of the Americans with Disabilities Act. Title II is not relevant to the issues here as the entities are not public entities as defined by the statute. Further, the applicable by-laws were not violated in any manner and do not require the relief sought.

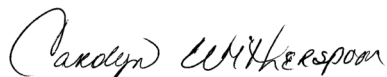
Even if the statutes were applicable, I have determined that the accommodations offered by USATT were reasonable. It was up to Mrs. Hadden to continue the interactive process with USATT.

The administrative fees of the American Arbitration Association shall be born as incurred. The compensation of the undersigned Arbitrator shall be borne equally by the three parties.

The parties shall bear their own costs and attorney's fees with respect to this hearing.

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

Signed this 7 day of September, 2016.



Carolyn B. Witherspoon
Arbitrator