

UNITED STATES OLYMPIC COMMITTEE

In the matter of:)	
)	
FARRAH HALL,)	HEARING PANEL'S DECISION
Complainant,)	ON NANCY RIOS' REQUEST TO
)	INTERVENE
vs.)	
)	MAY 23, 2008
US SAILING ASSOCIATION,)	
Respondent.)	

I. BACKGROUND

On February 7, 2008 Farrah Hall (“Hall”) filed a Complaint with the United States Olympic Committee (“USOC”) against US Sailing Association (“US Sailing”) pursuant to Article VIII, Section 8.1 of the USOC Bylaws and Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (the “Act”). Hall, in her Article VIII Complaint, alleges that:

The United States Sailing Association has violated the standards set forth in Section 220522 of the Ted Stevens Act and Section 10.5 of the USOC Bylaws, which require a National Governing Body (“NGB”) to provide “fair notice and opportunity for a hearing to any amateur athlete. . .before declaring the individual ineligible to participate,” and the more general obligation to provide for “the prompt and equitable resolution of grievances of its members.” Ted Stevens Olympic and Amateur Sports Act § 220522(a)(8), (13).

Hall Complaint, Summary of Claims, Page 1.

Hall’s Complaint arises out of a controversy resulting from US Sailing’s trial competitions to determine who will be nominated to the 2008 US Olympic Team for the RS:X Windsurfer Class. After conclusion of the final competition, Nancy Rios (“Rios”) filed a Request for Redress pursuant to US Sailing’s procedures, which was granted with the result that Rios would be nominated to the US Olympic Team. Subsequently Hall

filed her own Request for Redress. Arising out of that controversy was an allegation by Hall that US Sailing's grievance procedures do not adequately satisfy the requirements of the Act and the USOC Bylaws.

On February 15, 2008 Nancy Rios filed a Request to Intervene in this Article VIII proceeding.

Hall has also filed an Article IX Complaint with the USOC, which is being heard by an arbitrator appointed by the American Arbitration Association ("AAA"), regarding her allegations that she is being denied her opportunity to participate in the 2008 Olympic Games.

II. DECISION

A. Ruling

For the reasons set forth below, it is the determination of the Hearing Panel that Rios' Request to Intervene is denied.

A. Discussion

The Hearing Panel allowed Hall, US Sailing and Rios to submit briefs on Rios' Request to Intervene. The Panel also heard oral argument from Hall, US Sailing and Rios regarding the Request on April 17, 2008.

Rios, in her Request to Intervene, states that Hall "is seeking through this [Article VIII] proceeding to change the outcome of the women's RS:X Olympic Trials regatta." Rios contends that if the Hearing Panel grants Hall the requested relief with regard to the Article VIII complaint it could affect Rios's right to participate in the Olympic Games. Therefore, Rios contends that she should be allowed to participate in this proceeding as a party.

An Article VIII proceeding examines whether or not a National Governing Body (“NGB”) is in compliance with the Act and the USOC Bylaws. An Article IX proceeding pertains to whether or not an athlete has been denied his or her opportunity to participate in a protected competition.

Hall’s Article VIII Complaint alleges that US Sailing is not in compliance with the Act, claiming that US Sailing’s redress process, which hears athlete protests, lacks due process protections and is otherwise procedurally flawed. Hall specifically challenges the process and procedures used by US Sailing in redress proceedings (particularly when those proceedings relate to the selection of athletes to a US Olympic Team). Specifically, Hall claims that US Sailing’s redress procedures, employed in hearing Rios’ and Hall’s protests regarding the final trials competition, is not in compliance with the Act.

Hall’s Article IX Complaint, based primarily on what happened at the trials competition, alleges that she should be nominated to the US Olympic Team, instead of Rios.

Understandably, Rios believes that a determination by this Hearing Panel on Hall’s Article VIII Complaint could have some bearing on Hall’s Article IX proceeding.

However, a decision on US Sailing’s compliance issue will not be determinative of who will be nominated to the US Olympic Team. The Hearing Panel in this proceeding will only determine whether or not US Sailing’s grievance procedures are in compliance with the Act and the USOC Bylaws. Whether Hall or Rios will be nominated to the US Olympic Team is a matter for determination by the arbitrator in Hall’s Article

IX proceeding. The arbitrator in that case will consider a number of factors which are not before this Hearing Panel, including what occurred on the race course.

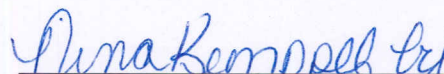
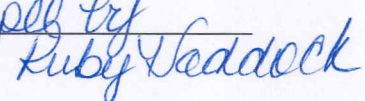
Further, the Panel cannot find, nor has Rios' counsel pointed out, any precedents that would allow for a non-complaining party to be allowed to intervene in an Article VIII Proceeding. Rios' position "that US Sailing is compliant with the Act and the USOC Bylaws," is aimed at bolstering her nomination to the US Olympic Team. As such, it has little or no bearing on whether or not US Sailing is in compliance with its requirements as an NGB. That determination will be made after a full hearing on the merits, at which time US Sailing will have ample opportunity to defend its grievance procedures.

Thus, although the Hearing Panel understands Rios' concerns, and recognizes that she made the Request in good faith with a view towards protecting her nomination to the Olympic Team, the Panel concludes that she is not a proper party to this proceeding.

III. CONCLUSION

In conclusion the Hearing Panel denies Rios' Request to Intervene for the reasons stated.

Dated this 23rd day of May, 2008


Nina Kemppe, Chair 

Scott Fortune, Panel Member
Bob Mitchell, Panel Member
Jeanne Picariello, Panel Member
Ron Van Pool, Panel Member