

UNITED STATES OLYMPIC COMMITTEE

ALEX STERNBERG	)	
	)	
Complainant,	)	
	)	
v.	)	D E C I S I O N
	)	
UNITED STATES OF AMERICA NATIONAL	)	
KARATE-DO FEDERATION	)	
	)	
Respondent.	)	November 30, 2000

---

I. BACKGROUND

The National Governing Body ("NGB") for the Sport of Karate in the United States is the United States of America National Karate-do Federation ("USA-NKF"). USA-NKF is recognized by the United States Olympic Committee ("USOC") as the NGB for the Sport of Karate pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 USC § 220501 *et seq.*), ("ASA").

On October 16, 2000, Alex Sternberg ("Complainant") filed a Complaint against USA-NKF pursuant to Article VIII of the USOC Constitution and Chapter VIII of the USOC Bylaws.<sup>1</sup> Complainant alleged that USA-NKF violated the ASA in removing Complainant from his position as Chairman of the USA-NKF Referee Council and Board

---

<sup>1</sup> Hereinafter any reference to "Article" refers to the USOC Constitution and any reference to "Chapter" refers to the USOC Bylaws.

of Directors and from his position as a licensed referee in retaliation for a claim brought against USA-NKF by Complainant's wife.<sup>2</sup>

In accordance with Chapter VIII, Section 3, USOC President, William J. Hybl, appointed a Panel of five voting members of the USOC Board of Directors for the purpose of hearing this matter. The Panel members who were appointed and who heard this matter are:

Sandra Baldwin, Chair  
USOC Vice President and USOC Board of Directors  
Brian Derwin  
USOC Board of Directors, USA Weightlifting  
Brig. Gen. (ret.) James R. Joy  
USOC Board of Directors, United States Marine Corps  
Herb Perez  
USOC Board of Directors, U.S. Athlete's Advisory Committee  
Nancy Wightman  
USOC Board of Directors, U.S. Synchronized Swimming

On October 31, 2000, pursuant to Chapter VIII, Section 2, USA-NKF filed a Motion to Dismiss. A copy of the Motion was sent to Complainant by USA-NKF by mail. Complainant filed papers in opposition to the Motion to Dismiss on November 13, 2000. Complainant also requested oral argument on the Motion to Dismiss. Although Article VIII and Chapter VIII require the Hearing Panel to render a decision on the Motion to Dismiss within 30 days after the filing of the Complaint, the parties agreed to an extension of that deadline in order to allow the Panel adequate time to fully review this matter. The Panel met, via conference calls, on November 9 and again on November 15, 2000. As the Panel determined that oral argument was unnecessary, it proceeded to consider the Motion to Dismiss based on the papers submitted.

---

<sup>2</sup> Part of the relief which Complainant requested was reinstatement to the positions from which he was removed. This relief is more appropriately sought under Article IX, while the Complaint was brought under Article VIII.

## DECISION

In its Motion to Dismiss, USA-NKF states as grounds for dismissal that Complainant failed to exhaust administrative remedies before USA-NKF, or in the alternative failed to show by clear and convincing evidence that such remedies would result in unnecessary delay. In its consideration of this matter, the Hearing Panel reviewed the Complaint filed by Complainant, the Motion to Dismiss filed by USA-NKF, and the papers in opposition to the Motion to Dismiss filed by Complainant. After such review and discussion by teleconference calls, the Hearing Panel, by unanimous decision, determined to grant USA-NKF's Motion to Dismiss for the reason that Complainant has failed to exhaust his administrative remedies or to show why such exhaustion would result in unnecessary delay.

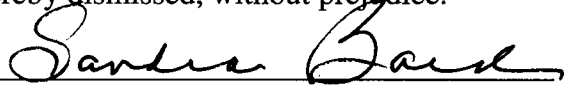
Article VIII, Section 1(A) requires that a complainant may file a complaint with the USOC only after having exhausted all remedies available under the organic documents of the NGB, unless it can be shown by clear and convincing evidence that those remedies would result in unnecessary delay. Chapter VIII, Section 1(C) sets forth the requirement that the complaint filed by the complainant must set forth "factual allegations" showing (i) the efforts made by the complainant to exhaust administrative remedies, or (ii) the grounds on which the complainant alleges that exhaustion would result in unnecessary delay.

Complainant admits that he has not exhausted his administrative remedies, but alleges that availing himself of USA-NKF's administrative complaint procedure would result in unnecessary delay. This claim is based on Complainant's assertion that the persons who would render a decision in the administrative proceeding would be biased against him.

After considering Complainant's argument, the Hearing Panel is unconvinced that an allegation of bias should excuse Complainant from exhausting his administrative remedies. Complainant has not met his burden of showing by clear and convincing evidence that pursuing his administrative remedies before USA-NKF would result in unnecessary delay. Accordingly, the Panel finds that the Complainant has not exhausted available administrative remedies and this matter is not ripe for adjudication under Article VIII and Chapter VIII.

III. AWARD

The Hearing Panel grants USA-NKF's Motion to Dismiss for the reason that Complainant has not exhausted his administrative remedies nor has he shown that availing himself of such remedies would result in unnecessary delay. Accordingly, the Complaint filed by Complainant is hereby dismissed, without prejudice.

  
Sandra Baldwin, Chair

Brian Derwin, Panel Member  
Brig. Gen. (ret.) James R. Joy, Panel Member  
Herb Perez, Panel Member  
Nancy Wightman, Panel Member

Dated this 30<sup>th</sup> day of November, 2000.