

UNITED STATES OLYMPIC COMMITTEE

Matthew Fogarty,	)	
	)	
Complainant,	)	
	)	ORDER
vs.	)	
	)	
USA Badminton,	)	June 4, 2008
	)	
Respondent.	)	
	)	

---

I. BACKGROUND

On April 9, 2008 Matthew Fogarty (“Fogarty”) filed a Complaint against USA Badminton (“USAB”) pursuant to Article VIII, Section 8.1 of the USOC Bylaws and Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”). In Fogarty’s Complaint he alleges that:

The 2007 World Championships has past. The procedures to resolve this complaint has resulted in unnecessary delays and denied Dean Schoppe and Matt Fogarty, MD entry into the 2007 World Badminton Championships. The 2007 World Championships is a qualifying event for the 2008 Olympics. USAB created selection procedures for the 2007 World Championships and 2008 Olympics which are more restrictive than the IF’s.

The issue confronting the Hearing Panel is whether or not this claim has already been heard and decided.

On May 21, 2007 Fogarty filed an Article VIII Complaint against USAB challenging USAB’s 2008 Olympic Selection Procedures. Fogarty further challenges USAB’s actions stating i) that “USA Badminton refuses to require the BWF to fulfill its obligation to comply with the WBF [*sic*] competition Regulations which state that entry into the men’s doubles draw is determined by WBF [*sic*] World Ranking,” and ii) that “USAB has refused to submit Dean Schoppe and Matt Fogarty’s entry in Men’s Doubles to the 2007 World Championships.”

Fogarty also contends that "USA Badminton refuses to require the BWF to acknowledge [Fogarty and Shoppe's] entry into the 2007 World Championships." Fogarty asserts that USAB's 2008 Olympic Selection Procedures, and its actions, violate Section 220522(a)(14) of the Act, which limits an NGB from having eligibility criteria that are more restrictive than its international federation.

On April 28, 2008 the Hearing Panel issued a Decision denying Fogarty's May 21, 2007 Complaint. In its Decision, the Hearing Panel stated:

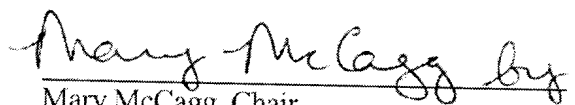
The Hearing Panel finds no merit in Fogarty's claim that USAB is not in compliance with Section 220522(a)(14) of the Act, which provides that an NGB shall not have "eligibility criteria related to amateur status or to the participation in the Olympic Games, the Paralympic Games, or the Pan-American Games that are more restrictive than those of the appropriate international sports federation."


Accordingly, the Hearing Panel requests that Fogarty explain how his April 9, 2008 Complaint differs from his May 21, 2007 Complaint. If Fogarty asserts that a new issue is raised, he should clarify what that new issue is and how it differs from the issue previously raised and decided.

## II. ORDER

Fogarty shall provide the Hearing Panel with an explanation of how his April 9, 2008 Complaint differs from his May 21, 2007 Complaint. Fogarty's response is due on June 11, 2008. Any response submitted by Fogarty shall also be served on USAB. If Fogarty does not respond, the April 9, 2008 Complaint will be dismissed.

Dated this 4<sup>th</sup> day of June, 2008

  
Mary McCagg, Chair



Robert P. Latham, Panel Member  
Max Cobb, Panel Member  
Debbie Hesse, Panel Member  
Courtney Johnson, Panel Member