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USOC Vice President and USOC Board of Directors  
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USOC Board of Directors, U.S. Soccer Federation  
Herb Perez  
USOC Board of Directors, AAC Representative – At Large  
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USOC Board of Directors, U.S. Field Hockey Association  
Dr. Paula Welch  
USOC Board of Directors, American Alliance for Health, Physical  
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On October 22, 2001, pursuant to Chapter VII, Section 2, ASA filed a Motion to Dismiss Challenger's Application for Failure to Comply with Statutory and USOC Requirements ("Motion to Dismiss"). SAI was served with the Motion via certified mail. On November 8, 2001, SAI filed a Response to the Motion to Dismiss. On November 16, 2001, ASA filed a Reply Brief in Support of its Motion to Dismiss Challenger's Application for Failure to Comply with Statutory and USOC Requirements which was not objected to by SAI. Although Article VIII and Chapter VII require the Panel to render a decision on the Motion to Dismiss within 50 days after the filing of the Challenge, the parties agreed to an extension of that deadline.

The Hearing Panel met via conference call on December 7, 2001, to hear oral argument on the Motion to Dismiss. Neither the ASA nor the SAI requested that oral argument be stenographically recorded, and both sides waived their rights in any such recordation, so the oral argument was not recorded. All Hearing Panel members were present on the call. Counsel for ASA, Edward T. Colbert, was present on the call and presented argument on behalf of ASA. Counsel for SAI, Gary L. Blume, was present on the call and presented argument on behalf of

SAI. Jeff Benz, USOC General Counsel and Managing Director of Legal Affairs, Gary L. Johansen, USOC Associate General Counsel, and Jennifer Gabrius, USOC Staff Attorney, were also present on the call. Since the parties were represented by counsel, they were given the opportunity to listen to the oral arguments, but not to participate in them.

On December 7, 2001, after conclusion of the oral argument, the Hearing Panel convened by conference call to deliberate and consider the Motion to Dismiss. All members of the Hearing Panel reviewed this written Decision.

## II. DECISION

Chapter VII, Section 2 states that if a respondent contends that jurisdiction of a challenge is improper, or that there is some other procedural or jurisdictional defect that would preclude a hearing on the merits, it may move to dismiss the challenge. Chapter VII, Section 3 states that the burden is on the respondent to sustain the validity of its motion to dismiss.

Chapter VII, Section 1 sets forth the requirement that the challenge filed by the challenger must set forth “factual” allegations. Section 1 goes on to state that the challenge shall contain at a minimum the “factual basis” upon which, pursuant to Article VIII, Section 3(C), the challenger claims that it is entitled to replace the recognized NGB. Article VIII, Section 3(C) requires that a challenger, to be successful, must establish that it: a) meets the criteria for recognition as a NGB and that b) the recognized NGB: i) does not meet the criteria or ii) the challenger more adequately meets the criteria for recognition as a NGB.

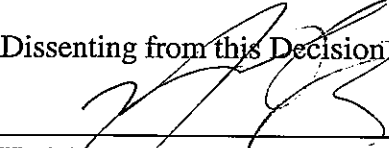
SAI sets forth several boilerplate allegations in its complaint against ASA. However, SAI fails to set forth a “factual basis” to support these allegations. In that regard, the Hearing Panel finds the complaint lacking. First, the complaint lacks specific information and details upon which the Hearing Panel can find that ASA is not fulfilling its obligation as the NGB. Mere conclusory statements without supporting facts do not meet the requirements of Chapter VII, Section 1. Second, the Hearing Panel finds that the challenge as a whole lacks sufficient cause for removal of ASA as the NGB. Removing an NGB is a serious matter with far-reaching consequences. Mere allegations of inadequacy without a factual basis for removal are not sufficient. Third, the Hearing Panel was not provided with specifics that would serve as a factual basis for determining that SAI is qualified to serve as the NGB. Neither the allegations of SAI in its complaint nor the materials filed by SAI to accompany the complaint provide sufficient factual basis supporting SAI’s allegations.

**III. Conclusion**

The Hearing Panel considered all of the pleadings and briefs served by the parties in this matter, all admissible evidence presented by the parties, all arguments raised at the oral argument on the Motion to Dismiss, and the applicable standard of review, and the Hearing Panel, by a vote of four to one, determined to grant ASA's Motion to Dismiss for the reason that SAI has not set forth a factual basis for replacing ASA as the NGB. Accordingly, the Challenge filed by SAI is hereby dismissed.

  
Herman Frazier, Chair

Dr. S. Robert Contiguglia, Panel Member  
Sharon Taylor, Panel Member  
Dr. Paula Welch, Panel Member

Dissenting from this Decision  
  
Herb Perez, Panel Member

Dated this 19th day of December, 2001.