

AMERICAN ARBITRATION ASSOCIATION

March 17, 1998

In the Matter of the Arbitration between

**Jorge Martinez &
Alfarra Contreras**
Claimants

ORDER

And

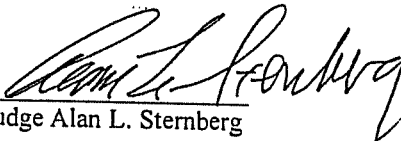
United States Boxing, Inc.
Respondent

This matter came on for hearing as a private arbitration before Judge Alan L. Sternberg on March 16, 1998. Claimants were represented by Nathan M. Longenecker, Esq. and Respondent by C. Brian Renfro, Esq.

Having heard the testimony of witnesses, the claimants and Mr. Contreras and Mr. Crowder for the claimants and Mr. Toney for the respondent, and the statements of counsel, and having examined the exhibits submitted and thus considering himself to be fully informed of the issues and relevant facts, the Judge finds and concludes as follows:

1. Respondent is governed by a 140 member Board of Governors and a Board of Directors. Respondent serves as a governing body for Amateur Boxing separate from the United States Olympic Committee (USOC) which governs international competitions.
2. A boxing competition is about to begin at USOC's Colorado Springs facility. Respondent is interpreting its Administrative Rules as to exclude claimants from this competition. Claimants dispute this interpretation.
3. In the fall of 1997 the Board of directors of respondent amended Rule 101.9(2) to read as follows:
101.9 Restricted Participation
(2) Foreign athletes. Any foreign athlete (one who is not a citizen or permanent resident of the USA or has "refugee status") is barred from participation in advancing local, regional and national championship tournaments. Nor may a foreign boxer or "refugee" compete in any "box-offs" that would lead to international competition, for example the Olympic Games, Pan American Games, World Championships, World Cup, etc.
4. Claimants assert that the plain meaning of amended Rule 101.9 (2) is that a "permanent resident of the USA" may compete in the upcoming event in Colorado Springs and that both Claimants are permanent residents.
5. Respondent, on the other hand, asserts that interpreting the Rule as Claimants urge contravenes the more basic documents, objectives, and rules of the USOC and of the Amateur Sports Act and thus Rule 101.9 (2) would be, so to speak, "unconstitutional."
6. It is a basic rule of interpretation of writings, be they in statutes, contracts or in other documents, that if there is no ambiguity in the words used they must be interpreted as written. Therefore, I interpret the meaning of the Rule to be as urged by claimants: a permanent resident may compete in the up coming competition.
7. I also find, based on the testimony presented, that both claimants are "permanent residents of the USA"
8. I reject respondent's "constitutional" type arguments for these reasons:
 - a.) There may be some adverse effect on U.S. citizens boxers who might be defeated by a permanent resident in ranking for selection for international competitions. However, there

- has been insufficient proof that one defeated by a permanent resident could not be selected for an international competition.
- b.) No one from USOC has appeared in this proceeding alleging that Rule 101.9 (2) violates USOC's rules. Nothing in Article IX of the USOC constitution seems to affect this proceeding on the issues involved.
 - c.) I am aware of no "specific action" by the Board of Governors of respondent that Rule 101.9(2) of the Board of Directors supercedes, thus 208.6 of the By Laws is not violated. Therefore, I find and conclude that claimants are eligible to compete in the USA Boxing National Championship being held in Colorado Springs and I order that they be allowed to compete.


Judge Alan L. Sternberg

Cc Mr. Nathan M. Longenecker
Mr. C. Brian Renfro

March 17, 1998
Nunc ProTunc
March 16, 1998