

AMERICAN ARBITRATION ASSOCIATION

In the Matter of the Arbitration between

Re: 30 190 00483 00

Keith Sieracki
-And-
USA Wrestling
and
Matthew Lindland

ADMINISTRATOR: Ernestine M. Dunning

FINDINGS, CONCLUSIONS AND AWARD

Pursuant to the provisions of the Findings, Conclusions and Ruling on Preliminary Matters in this case made by the Arbitrator on August 17, 2000, a hearing was convened in this matter in Denver, Colorado at 8:00 a.m. on August 23, 2000. Testimony was received from the witnesses identified on Exhibit A hereto. Exhibits were admitted without objection to the documents listed on Exhibit B hereto. The only exhibit which was offered and refused was the videotape of Bout No. 244 that was offered by Mr. Lindland and objected to by Mr. Sieracki and USA Wrestling. These objections were sustained on the grounds that use of the video was not consistent with USA Wrestling rules concerning contested bouts.

I. POSTURE OF THE CASE

(a) This case arises from a dispute as to who, as between Keith Sieracki and Matt Lindland, should be seated on the US Greco-Roman Olympic wrestling team at the 76 kilogram weight class as the winner of the Olympic trials competition that was conducted by USA Wrestling, the national governing body for this sport. The procedures for conducting this competition were formulated by USA Wrestling committee persons and approved by USA Wrestling's board for submission to the USOC for approval. They were approved by the USOC and, in turn, carried out by USA Wrestling.

(b) The final bout in the 76 kilogram class was Bout No. 244 between Sieracki and Lindland on June 24, 2000, in Dallas, Texas.

(c) The team of three mat officials (referee, judge and mat chairman) who conducted the bout declared Mr. Sieracki the winner.

(d) In accordance with applicable USA Wrestling rules and procedures, this result was protested by Mr. Lindland, and the protest was denied following the match. The protest panel determined that rulings in issue by the mat officials were judgment calls within their discretion, and thus not subject to change on review.

(e) Pursuant to applicable USA Wrestling rules and procedures, the protest denial was then taken by Mr. Lindland to the next level of a grievance, heard by the Standing Greco-Roman Sport Committee of USA Wrestling.

(f) After consultation with its legal counsel, senior executives of USA Wrestling requested or directed that four of nine members of this Committee not participate in the grievance process due to what were actual, or what might appear to be, conflicts of interest. Two members of the Committee had been on the protest panel that had upheld the initial result of Bout No. 244; one member of the Committee was the corner coach of Mr. Lindland in the subject bout; one member was himself contesting the outcome of his own bout in this competition. These four members of the Greco-Roman Sport Committee did not participate in the grievance review of Bout No. 244. The grievance was denied on a 4-1 vote on the same grounds that the protest was denied before it.

(g) Mr. Lindland next contested the procedures followed by the USA Wrestling Greco-Roman Sport Committee in a claim against USA Wrestling which was submitted to the American Arbitration Association for binding arbitration under Article IX of the USOC Constitution as a claim that a USOC NGB member had denied Mr. Lindland an opportunity to compete in the 2000 Olympic games. As is customary in such Article IX arbitrations, Mr. Sieracki as the prevailing athlete below was not made a party to the arbitration between Mr. Lindland and USA Wrestling.

(h) After a hearing of which Mr. Sieracki was not notified and in which he did not participate, the arbitrator made an award setting aside the result of Bout No. 244 and overruling the determinations of the protest and the grievance which had upheld the initial result of that bout. The arbitrator's award ordered a re-wrestle of the Lindland/Sieracki bout.

(i) Mr. Sieracki participated in a re-wrestle of Bout No. 244, but not before initiating the instant AAA arbitration against Mr. Lindland and USA Wrestling under the Grievance Procedures for Code of Conduct and Team Selection 2000 Olympic Games, United States Olympic Committee, to which Mr. Sieracki, Mr. Lindland, and USA Wrestling had subscribed. Mr. Sieracki participated in the re-wrestle "under protest." He lost the re-wrestle to Mr. Lindland.

(j) Following its Greco-Roman Sport Committee Ruling on Mr. Lindland's grievance, and before the arbitration award in favor of Mr. Lindland, USA Wrestling nominated Mr. Sieracki to the USOC to be selected to the Greco-Roman Wrestling Team at the 76 kilogram weight class.

(k) After the arbitrator's award in favor of Mr. Lindland and Mr. Lindland's victory over Mr. Sieracki in the re-wrestle, USA Wrestling added Mr. Lindland to the nominations for the Greco-Roman team at the 76 kilogram weight class, without withdrawing Mr. Sieracki's nomination.

(l) In the instant arbitration, Mr. Sieracki seeks a determination that he should be the sole nominee at this weight class to the Greco-Roman Olympic team, to the exclusion of Mr. Lindland.

(m) After a preliminary ruling in this case that, because the arbitration Mr. Lindland initiated against USA Wrestling did not name, notice, seek or obtain any participation of Mr. Sieracki, that arbitration could not bind Mr. Sieracki and set aside the result of his initial victory in Bout No. 244 or the result of the protest and grievance upholding Mr. Sieracki's victory in that bout, Mr. Lindland, in a counterclaim to the Sieracki arbitration claim, seeks a determination that Mr. Sieracki's nomination by USA Wrestling to the USOC should be withdrawn and Mr. Lindland should be the sole nominee at this weight class for the Greco-Roman Olympic team. Mr. Lindland's counterclaim is based on alleged misapplication of rules by the mat officials in original Bout No. 244, alleged improprieties in the protest and/or grievance processes, and Mr. Lindland's success in the re-wrestle.

II. FINDINGS AND CONCLUSIONS

1. No evidence was presented in this case that the mat officials in Bout No. 244 did not understand the rules which they applied in this match and thus, in that sense, no evidence was presented in this case that these officials "misapplied" the rules in issue. In fact, the evidence presented is that at the protest, the question of the mat officials' proper understanding of the rules in question was considered, and that the protest panel specifically decided that the mat officials' understanding of the rules was not an issue.

2. The overwhelming evidence that was presented in this case was that there was no irregularity or impropriety by way of wrongful, or dishonest, or intentionally improper, or bad faith conduct by any mat official, USA Wrestling official, or USOC official, relating to this contested bout.

3. The substantial weight of evidence in this case is that the mat officials for Bout No. 244 are generally regarded by the USA Wrestling community as experienced and well-qualified and, at least by reputation, among the most able of USA Wrestling's officials. The testimony was that, otherwise, these officials would not have been selected for a competition of the importance of the Olympic trials.

4. The removal or recusal of four members of the Greco-Roman Sport Committee of USA Wrestling from the grievance process was due to USA Wrestling's concern with either actual or an appearance of conflicts of interest and was done in good faith with the interest of both athletes and the integrity of the grievance process as the motivating factors. There was no evidence that this prejudiced either wrestler. This does not constitute an irregularity or impropriety on the part of USA Wrestling and does not justify setting aside the result of the grievance process.

5. The evidence is inconclusive as to whether Mr. Dan Chandler, the Olympic Greco-Roman team coach, was precluded or discouraged by the Greco-Roman Sport Committee from offering an opinion in the grievance process that the initial match was so poorly officiated as to justify a rematch. No matter how qualified the expert, if his opinion is offered on the subject of judgment calls of mat officials, it is not relevant. The USA Wrestling rules specifically so dictate; common sense suggests that any other rule would invite endless controversy in athletic competition.

6. Contrary to the contention of Mr. Lindland, the USA Wrestling rule that limits reference to videotape to during-match viewing by mat officials and to extreme circumstances of flagrant misconduct and brutality violations is not, in itself, improper, irregular or unfair to anyone. The evidence is clear that USA Wrestling's rules on videotape use have been made and confirmed over years of careful consideration and deliberation with the interests of wrestlers and wrestling in mind. The Arbitrator declines to consider whether USA Wrestling's rules on use of videotape, which differ from those of FILA, are less or more wise than those of FILA. In any event, an arbitration proceeding such as this is not a proper forum for amendment of these USA Wrestling rules.

7. There was no irregularity or impropriety in the way that Bout No. 244 between Messrs. Sieracki and Lindland was conducted, officiated, protested or grieved that would make it fundamentally unfair to allow the initial outcome of that match to stand.

III. AWARD

A. The protest and grievance procedures which unsuccessfully contested Keith Sieracki's victory over Matt Lindland in Bout No. 244 should not be vacated or set aside.

B. USA Wrestling is directed to withdraw the nomination of Matt Lindland to the US Greco-Roman Olympic wrestling team at the 76 kilogram weight class and to designate Keith Sieracki as the sole nominee to the team roster at that weight class.

C. The fees of the American Arbitration Association and the Arbitrator shall be borne in this arbitration in equal parts by Mr. Sieracki, Mr. Lindland and by USA Wrestling. Each party shall bear its own other costs and expenses, including attorneys' fees.

D. This Award is made in full and final adjudication of all matters raised in this arbitration.

DATED August 24, 2000, at Denver, Colorado.


A. Bruce Campbell Arbitrator

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EXHIBIT A

To Findings, Conclusions and Award

- A. WITNESSES CALLED BY MATT LINDLAND
- (1) Joe DeMeo
 - (2) Dan Chandler
 - (3) Mitch Hull
 - (4) Mario Salemgig
 - (5) Dennis Hall
 - (6) Matt Lindland
- B. WITNESSES CALLED BY KEITH SIERACKI
- (1) Al Kastle
 - (2) LeRoy Evans
 - (3) Bruce Baumgartner
- C. WITNESSES CALLED BY USA WRESTLING
- (1) Jim Scherr

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EXHIBIT B

To Findings, Conclusions and Award

Exhibits Received at August 17, 2000 Preliminary Hearing

- (a) Arbitration award from the First Arbitration Proceeding.
- (b) USA Wrestling Memo to USOC dated August 15, 2000, nominating Mr. Lindland for the US Olympic Greco-Roman wrestling team.
- (c) July 28, 2000 Certification of Athletes by USA Wrestling.
- (d) USOC Memo dated August 17, 2000, to Ms. Dunning of the AAA relating to deadline for USOC to submit team roster to IOC.

Exhibits Received at August 23, 2000 Hearing

- (e) Greco-Roman Sport Committee Conference Call Agenda, July 13, 2000.
- (f) Fax cover sheet from Mitch Hull to Steve Thompson.
- (g) Transcript of telephonic meeting of USA Wrestling Greco-Roman Sport Committee, July 13, 2000.
- (h) July 13, 2000 letter from Steven J. Thompson to Mitch Hull.
- (i) Declaration of Dennis Hall dated July 27, 2000.

edition.

- (j) USA Wrestling International Rule Book and Guide to Wrestling, 2000
- (k) USA Wrestling 2000 Olympic Trials Procedure.
- (l) By-Laws of United States of America Wrestling Association, Inc.
- (m) Formal Protest Form, Bout No. 244
- (n) Protest Decision, Bout No. 244.
- (o) June 30, 2000 letter from Matthew J. Lindland to Jim Scherr.
- (p) July 19, 2000 Decision of Greco-Roman Sport Committee in Bout

No. 244.