

AMERICAN ARBITRATION ASSOCIATION

In the matter of the arbitration between

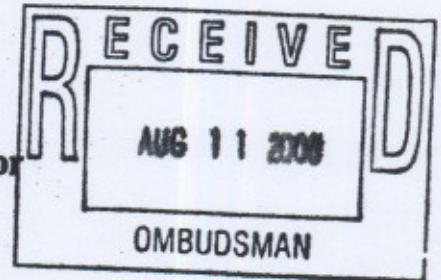
Tammy Thomas

and

USA Cycling, Inc.

No. 30 190 00445 00

Award of Arbitrator



I, the undersigned arbitrator, having been designated in accordance with the arbitration provisions of applicable federal law and the United States Olympic Committee ("USOC") constitution, bylaws and mandatory procedures, and having been duly sworn and having duly heard and fully considered the proofs, allegations and evidence of the parties, hereby **FIN**D and **AW**ARD as follows:

FINDINGS

1. This matter is before this arbitrator pursuant to the demand of claimant, Tammy Thomas, for review of the process used to select the athlete to represent the United States in the 500 meter time trial cycling event in the 2000 Olympic Games. A three and one-half (3-1/2) hour hearing in this matter was held in New York City on August 3, 2000.
2. Respondent, USA Cycling, Inc. ("USA Cycling"), is the national governing body for the sport of cycling.
3. On May 10, 1999, the Board of Directors of USA Cycling approved USA Cycling's 2000 Olympic Games Athlete Nomination Procedures (the "USA Cycling Athlete Nomination Procedures").
4. Subsequent to approval by its board, USA Cycling submitted the USA Cycling Athlete Nomination Procedures to the USOC for approval.

5. The USA Cycling Athlete Nomination Procedures were ultimately approved in 1999 by the USOC.

6. The USA Cycling Selection Committee held a single conference call to consider the question of who would represent the United States in the women's 500 meter time trial in the 2000 Olympic Games.

7. Witnesses for USA Cycling testified that the Selection Committee believed that Chris Witty's prior experience in the Winter Olympics would make her a better performer in the Summer Olympic Games.

8. The Selection Committee also gave substantial weight to the fact that Chris Witty achieved a 4th place finish in the 500 meter time trial in the 1998 World Championships.

9. Members of the USA Cycling Selection Committee expressed a subjective belief that Ms. Witty would improve more than Tammy Thomas over the time period between July 7, 2000 and the Olympic Games in September, 2000.

10. The Selection Committee placed weight on the fact that Tammy Thomas' time at the Cali World Cup was slower than Chris Witty's time at the Moscow World Cup. However:

- a. at least one Selection Committee member believed that the elevation of Cali is 9,000 feet;
- b. the Selection Committee failed to take into consideration the fact that the Moscow track is enclosed and the Cali track is not;
- c. the Selection Committee failed to take into consideration the weather conditions at the Cali track;
- d. the Selection Committee did not consider the fact that the field was substantially slower in the Cali competition than in the Moscow competition; and

- e. there was uncontested evidence, including testimony from Jeanne Golay, Sean Petty and David Rosenbloom, that comparisons of different race times under different conditions are not a valid means of analyzing the ability of two athletes due to the numerous variables that can affect race times.

11. Des Dickey, coach of the U.S. sprint cycling team, testified that he considered the U.S. Olympic Trials held in Frisco, Texas on April 25-29, 2000 to be part of the selection process for selecting members to the 2000 U.S. Olympic Team.

12. On April 29, 2000, Tammy Thomas defeated Ms. Witty in the 500 meter event in the U.S. Olympic Trials. Tammy Thomas' time was 36:349; Ms. Witty's time was 36:374.

13. On June 18, 2000, Tammy Thomas competed "out of competition" at the UCI World Cup in Mexico City, Mexico. Ms. Thomas' time in the 500 meter event was the fastest time by an American woman in four years in the 500 meter event.

14. Tammy Thomas' time in the Mexico City World Cup was 35:454; Chris Witty's time in the same competition was 35:501.

15. The USA Cycling Athlete Nomination Procedures, as approved by the USOC, do not authorize the use of unrestricted discretion or pre-promulgation (retroactive) event performance for final nomination to the individual track Olympic slots.

16. USA Cycling gave considerable weight to subjective factors, cycling performances before the selection criteria were adopted, and to performance in sports other than cycling.

17. The USOC has mandated the use of objective criteria (or such subjective standards as are supported by objectively determinable factors) in the athlete selection process.

AWARD

Therefore, based on the above findings, the claim is GRANTED as set forth below:

- A. Respondent shall conduct a single ride-off on a 250 meter wood track at sea level, with electronic timing, proper officiating and medical control (drug testing), to be held August 18-21, 2000, with each rider to be allowed one restart due to a mishap over which she had no control;
- B. Respondent shall bear the reasonable travel and lodging expenses required for Tammy Thomas and Chris Witty to attend the ride-off;
- C. USA Cycling shall provide comparable equipment to both athletes, and reasonable opportunity to train with this equipment prior to the ride-off;
- D. The fees and expenses of the American Arbitration Association (the "Association") shall be borne entirely by Respondent, and paid as directed by the Association;
- E. The fees and expenses of the arbitrator shall be borne entirely by Respondent, and paid as directed by the Association; and
- F. All claims not expressly granted in this arbitration are hereby DENIED.

Dated: August 11, 2000

Respectfully Submitted,



RICHARD K. JEYDEL