

**AMERICAN ARBITRATION ASSOCIATION**  
**Commercial Arbitration Tribunal**

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In the Matter of the Arbitration between

Re: 77 190 E 00105 10 JENF

Jesse Beckom III, Garrett Hines, Theron Johnson,  
and Ivan Radcliff, Claimants

and

United States Bobsled and Skeleton Federation, Inc., Respondent

and

Affected Athletes: Chuck Berkley, Nick Cunningham, Chris Fogt,  
Steve Langton, Steve Mesler, Jamie Moriarty, Justin Olsen,  
Billy Schueffenhauer, Curt Tomasevicz, Randy Jones, Corey Butner,  
Justin Orr, Hoy Thurman, Mike Kohn, and TJ Burns

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**AWARD OF ARBITRATOR**

I, THE UNDERSIGNED ARBITRATOR, having been designated by the American Arbitration Association, and in accordance with the Ted Stevens Olympic and Amateur Sports Act and Section 9 of the United States Olympic Committee Bylaws, having been duly sworn, and having duly heard the proofs and allegations of the Claimants, Respondent, and the Affected Athletes, do hereby, AWARD, as follows:

**THE PARTIES AND SUMMARY OF THEIR ARGUMENTS**

Claimants Jesse Beckom III, Garrett Hines, Theron Johnson, and Ivan Radcliff are athlete members of the United States Bobsled and Skeleton Federation, Inc. ("USBSF") who contend USBSF violated its own rules, the rules of the United States Olympic Committee ("USOC"), and/ or fundamental rules of due process and fairness in connection with its selection of the nine push athlete members of the USA men's bobsled team that will compete in the 2010 Vancouver Olympic Games, which resulted in none of them being selected for the team. They ask the arbitrator to find that each claimant satisfies USBSF's twelve criteria for selecting the push athletes for the 2010 Olympic bobsled team and to order USBSF to allow claimants to participate in a combination race-off on ice and to consider the results in selecting the push athletes for the men's USA-III Olympic four-man bobsled team.<sup>1</sup> Claimants were represented by J. Kevin Murphy, Salt Lake City, Utah.

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<sup>1</sup> In the January 28, 2010 "Statement of Requested Relief" submitted by their counsel, claimants also requested "[t]hat regardless of the outcome of this arbitration proceeding, USBSF will not retaliate, directly or indirectly, against any athlete who is party to or affected by this proceeding, or who may later give an opinion of the outcome of this proceeding; and that all such athletes will maintain his/her position and standing with USBSF, to include the use of USOC facilities and USBSF programs, and not be removed from such facilities or programs without cause;

Respondent United States Bobsled and Skeleton Federation, Inc. (“USBSF”) is recognized by the United States Olympic Committee (“USOC”) as the National Governing Body (“NGB”) for the sport of bobsled in the United States. USBSF contends its Team Selection Committee followed and rationally applied its USOC-approved twelve criteria in identifying the nine push athletes who best satisfied those criteria and nominating them for the 2010 Olympic bobsled team. USBSF asserts the arbitrator has no authority to substitute his lay judgment for the professional judgment of its Team Selection Committee or to order an on ice race-off to provide additional data that must be considered in selecting the push athletes for the men’s USA-III Olympic four-man bobsled team. USBSF was represented by Stephen A. Hess, Sherman & Howard, LLC, Colorado Springs, Colorado.

The Affected Athletes include Chuck Berkley, Nick Cunningham, Chris Fogt, Steve Langton, Steve Mesler, Jamie Moriarty, Justin Olsen, Billy Schueffenhauer, and Curt Tomasevich, who collectively are the nine push athlete members of the USA men’s bobsled team selected and nominated by USBSF for the 2010 Vancouver Olympic Games. They assert claimants were fairly considered as push athletes for the 2010 Olympic bobsled team based on the Team Selection Committee’s application of the USBSF’s twelve criteria, although none of them were selected for the team. The affected athletes also contend that the arbitrator has no authority to grant claimants’ request that the USBSF be ordered to conduct a combination race-off on ice in which claimants are permitted to participate and to consider the results in re-determining the members of the men’s USA-III Olympic four-man bobsled team. They were represented by Paul J. Greene, Preti, Flaherty, Beliveau & Pachios, LLP, Portland, Maine. Randy Jones, Corey Butner, Justin Orr, Hoy Thurman, Mike Kohn, and TJ Burns also were identified as Affected Athletes, but were not represented by counsel.

## JURISDICTION

The arbitrator has jurisdiction over this dispute pursuant to the Ted Stevens Olympic and Amateur Sports Act (“the Act”), 36 U.S.C. §220501, et seq., because this is a controversy involving claimants’ opportunity to participate in the Olympic Games, which is required to be resolved by final and binding arbitration in accordance with the Commercial Rules of the American Arbitration Association (“AAA”). 36 U.S.C. §§220522(a)(4)(B). Section 9.1 of the USOC Bylaws prohibits an NGB from denying or threatening to deny “any amateur athlete the opportunity to participate in the Olympic Games.” Section 9.7 of the USOC Bylaws provides that “[i]f the complaint [under Section 9.1] is not settled to the athlete’s satisfaction the athlete may file a claim with the AAA against the respondent for final and binding arbitration.” Section 14.13 of USBSF’s Bylaws recognizes that certain aggrieved athletes have arbitration rights under the Act and USOC Bylaws, thereby at least implicitly acknowledging that USBSF is required to submit to final and binding AAA arbitration as requested by claimants. Sections 9.7 and 9.9 of the USOC Bylaws permit the arbitration proceeding to be expedited.

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and that such athletes should not be required to meet any standards not met by all athletes alike.” During the January 30, 2010 hearing, claimants’ counsel did not request such relief in his opening statement or closing argument; nor did he present any witness testimony or any other evidence that USBSF has retaliated or discriminated against claimants for exercising their legal right to institute this proceeding or any other athletes or is likely to do so in the future. This arbitrator has no jurisdiction or authority to grant any relief arising out of a future contingency, especially absent any evidence it will or is likely to occur.

## PROCEDURE

On January 26, 2010 claimants Jesse Beckom III, Garrett Hines, and Theron Johnson filed their demand for arbitration of this dispute. Ivan Radcliff subsequently became an additional claimant in this arbitration proceeding.

On January 28, 2010 the arbitrator conducted a preliminary hearing by telephone during which counsel for claimants, respondent, and the affected athletes agreed to an expedited hearing by telephone conference call on January 30, 2010.

The hearing began at 8am MST on January 30, 2010 and continued until approximately 4:45pm MST.<sup>2</sup> The following individuals were on the telephone conference call: claimants Jesse Beckom III, Garrett Hines, and Ivan Radcliff and their counsel, Kevin Murphy; John Rosen, USBSF's Technical Director, Darrin Steele, USBSF's CEO, and Scott Novack, USBSF's Director of High Performance and USBSF's counsel Stephen Hess; six of the affected athletes, including Billy Schueffenhauer, Steve Messler, and Curt Tomasevicz, and their counsel Paul Greene; John Ruger, USOC athlete ombudsman; Gary Johansen, USOC associate general counsel; Hoy Thurman, an athlete member of USBSF; and Randy Jones, an athlete member of USBSF. Despite being notified of the hearing date and time by one or more of the other claimants, Theron Johnson did not participate in the hearing, but he was represented by Mr. Murphy. During the hearing the following persons were called to testify: 1) by *Claimants*—Darrin Steele, Ivan Radcliff, Jesse Beckom III, Valerie Fleming (athlete member of USBSF), Randy Jones, Jamia Jackson (athlete member of USBSF), Jazmine Feanaltor (athlete member of USBSF), and Garrett Hines; 2) by *USBSF*—Matt Cramer (USOC Sports Performance Director), Lorenzo Smith (USBSF Team Selection Committee Athlete Representative), and Darrin Steele; and 3) by the *Affected Athletes*—Billy Schueffenhauer and Steve Messler. Pursuant to their counsel's request and without any objection from counsel for USBSF or the affected athletes, claimants Jesse Beckom III, Garrett Hines, and Ivan Radcliff were permitted to make individual statements during closing arguments.

On January 31, 2010 at approximately 8am MST the arbitrator issued the following summary decision:

"Having duly heard and carefully considered all of the parties' evidence and the arguments of their respective counsel during the January 30, 2010 telephone hearing, my summary decision, which I agreed to provide by 12 p.m. MTN today, is as follows:

I have jurisdiction over this matter and the authority to render a final and binding award.

Claimants have not satisfied their burden of proving that the United States Bobsled and Skeleton Federation Inc. ("USBSF") violated its own rules, the rules of the United States Olympic Committee ("USOC"), or any fundamental rules of due process and fairness, or that USBSF has otherwise violated any of their legally protected rights in connection

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<sup>2</sup> The arbitrator expresses his appreciation to the parties' counsel for exchanging documents, identifying witnesses and relevant legal authority, and providing written summaries of their clients' respective arguments in a timely manner as well as for their excellent advocacy during the hearing, which facilitated his ability to adjudicate this dispute on an expedited basis.

with its selection of the push athlete members of the USA men's bobsled team that will compete in the 2010 Vancouver Olympic Games. USBSF had valid authority to promulgate its June 24, 2009 Athlete Selection Procedures (approved by the USOC), which established 12 criteria to be considered by a six-member Team Selection Committee in the selection of push athletes. USBSF provided appropriate notice of its Athlete Selection Procedures to all athletes, including Claimants. These 12 factors are rational criteria for USBSF to consider in determining the composition of the bobsled team that will provide the best opportunity for the team to win medals in the Vancouver Games. These 12-factor criteria were in effect and unchanged throughout the push athlete selection process; the enumerated criteria do not require any midseason on-ice push testing in Europe as objective data that must be considered by USBSF as part of its process for selecting push athletes. USBSF's November 17, 2009 discretionary decision to change its originally anticipated mid-season evaluation process, even though its reasons for doing so are disputed, did not violate its 12-factor written criteria for selecting push athletes for the Vancouver Games. The Team Selection Committee, which Claimants do not allege was improperly composed or that any of its members had a direct conflict of interest, rationally exercised its discretion in selecting the nine push athletes for the USA men's bobsled team for the Vancouver Games. Claimants presented no evidence of any bad faith, bias, arbitrariness, or *de facto* consideration of any factors other than the USBSF's 12-factor criteria by the Team Selection Committee that violated their legally protected rights.

As the appointed arbitrator, I have authority only to determine whether Claimants had a fair opportunity to compete for a position on the USA men's bobsled team and were considered for selection based on rational application of USBSF's 12-factor criteria, both of which occurred based on my consideration of the evidence presented during the hearing. Claimants, despite their very understandable disappointed expectations, did not prove by a preponderance of the evidence that, if on-ice push testing had been held in Europe in early January 2010 as USBSF originally anticipated, the Team Selection Committee would have selected any of them as push athletes for the USA men's bobsled team rather than one or more of the individuals chosen for the team.

All of Claimants' claims and requested relief are denied.

I will issue a reasoned award within 14 days from the January 30, 2010 closing of the hearing."

#### **FINDINGS OF FACT**

The USOC recognizes USBSF as the NGB for the sport of bobsled in the United States. As the NGB for bobsled, USBSF has the authority to recommend to the USOC athletes and teams to represent the United States in bobsled competitions that are part of the Olympic Games. 36 U.S.C. §220523(a)(6); USOC Bylaws §8.7(h). The USOC requires all NGBs, including USBSF, to "establish a written procedure, approved by [the USOC] to fairly select athletes and team officials for the Olympic . . . Games teams, and, upon approval, timely disseminate such procedure to the athletes and team officials." USOC Bylaws §8.7(f)

On June 24, 2009 USBSF promulgated Athlete Selection Procedures (approved by the USOC), which established twelve objective and subjective criteria to be considered by a six-

member Team Selection Committee in selecting push athletes to be nominated for the U.S. bobsled team for the 2010 Olympics. (United States Bobsled and Skeleton Federation Athlete Selection Procedures 2010 Olympic Winter Games Men's and Women's Bobsled (revised June 24, 2009) ("Procedures"); Exhibit F). This was a significant change from USBSF's prior procedures, which permitted bobsled drivers to select the push athletes USBSF recommended for the Olympic bobsled team.

USBSF's Procedures state that "Push Athletes and push athlete replacements will be selected and nominated to the [2010] Olympic Team by the Team Selection Committee using the criteria in Section II.B." (Exhibit F, p.5). Section II.A states that "[w]hile the USBSF intends that objective rankings from races results will be the primary method of selecting athletes for USBSF races and team selections, it recognizes that the selection of the best teams requires discretionary selection." (Exhibit F, p.6).

Section II.B of USBSF's Procedures lists twelve criteria to be considered by the Team Selection Committee in selecting and nominating push athletes for the 2010 Olympic bobsled team:

- Driver input
- Test results (i.e. Push Championship results (individual and combination pushes) and USBSF Combine results)
- Driver results at 2009-2010 U.S. National Team Trials
- Size and weight of the push athlete
- Proven international experience (i.e. the athlete's ability to push and ride on specific track grades, push/load from different positions and ride well in sled)
- Push time in FIBT sanctioned events
- Push athlete's ability to compete under the pressure of competition
- Team cohesion
- Attitude and work ethic
- History/results of team combinations pushing well together
- Trend of push times
- Push athlete's ability to stay healthy

(Exhibit F, pp.6-7).

The twelve enumerated factors are valid and rational criteria for USBSF's Team Selection Committee to consider in evaluating the best combination of push athletes that will provide the best opportunity for the USA bobsled team to win medals in the 2010 Olympics. These criteria were in effect and unchanged throughout USBSF's process for selecting and nominating push athletes for the 2010 Olympic bobsled team.

Section II.C of USBSF's Procedures designated the following individuals as members of the Team Selection Committee: 1) Darrin Steele, USBSF CEO; 2) Sepp Plozza, Head Coach (USBSF Head Coach and Women's Bobsled); 3) Brian Shimer, Head Coach (Men's Bobsled); 4) Jean Prahm, Athlete Representative; 5) Lorenzo Smith, Athlete Representative; and 6) Scott Novack, USBSF High Performance Director. (Exhibit F, p.7).

USBSF published the Procedures in a timely manner. The claimants had adequate notice of the Procedures and did not express any objections regarding the twelve criteria or members of the Team Selection Committee to USBSF officials.

On October 24, 2009 USBSF announced the Team Selection Committee's selection of the members of the men's bobsled National Team, which would train and compete in World Cup bobsled competitions with the goal of putting together the fastest bobsled teams to compete for the U.S. in the 2010 Olympics. None of the claimants was selected for the National Team. No claimant asserts that USBSF denied him a fair opportunity to compete for selection to the National Team. Matt Cramer, the USOC's Sport Performance Director, attended the October 22, 2009 meeting during which the Team Selection Committee chose members of the National Team. He provided undisputed testimony that the USBSF's twelve selection criteria were "followed as written," no extraneous factors were considered, and there was no effort to include or exclude any particular athlete from consideration for the National Team.

Item 6a of the October 24, 2009 "USBSF National Team Announcement" is captioned "Olympic Pathway" and states: "Athletes not on National Team still have a chance for Olympic consideration as athletes will be tested in Europe between first and second half. Athletes will be invited to this testing event based on the criteria in Attachment B. One of the best ways to showcase your talents is to put up impressive numbers in [America's Cup] races." (Exhibit L, p. 40). Attachment B lists the twelve criteria to be considered in selecting push athletes for the 2010 Olympic bobsled team (Exhibit L, p. 41), which are the same as the criteria listed in the Procedures. Push athletes not selected for the National Team, including claimants, were eligible for and encouraged to participate in the seven post-October 24<sup>th</sup> America's Cup bobsled races to be held in Lake Placid, Salt Lake City, and Calgary prior to the selection and nomination of the Olympic bobsled team in mid-January 2010.

USBSF anticipated that mid-season on ice push testing would be held in Europe in the Munich, Germany area in early January 2010 to gather objective data measuring push athletes' relative performances at the same facility at the same time, which would be considered by the Team Selection Committee in selecting and nominating push athletes for the 2010 Olympic bobsled team. USBSF intended that this proposed on ice push testing would be primarily for push athletes selected for the National Team, but it anticipated selecting other push athletes to participate in this testing based on their post-October 24<sup>th</sup> performances in America's Cup bobsled races and consideration of the Procedures' twelve criteria.

On November 17, 2009 USBSF issued a "Bobsled Mid-Year Testing Update," which stated:

"U.S. Bobsled & Skeleton had anticipated on having mid-season testing opportunity in Europe in early January 2010 for all athletes to provide testing numbers. Due to changes in the available facilities in Munich or the surrounding area and compounded and time constraints in alternative locations, we are changing the mid-season evaluation process.

All athletes are strongly encouraged to compete in FIBT races to produce additional numbers and results (As per the USBSF Olympic Selection Procedures). We will also collect push cart data in Lake Placid on Friday November 20 in conjunction with the World Cup race and December 17 in conjunction with America's Cup races."

(Exhibit G, p.1).

Although the Konigssee, Germany ice facility (which is within a ninety minute automobile drive from Munich) apparently was available for on ice push testing in early January 2010, USBSF changed its originally anticipated mid-season evaluation process for push athletes because there was no available housing for the National Team in the Munich area at this time.

USBSF informed the Athlete Advisory Council it would be changing its mid-season testing method to push cart testing on dry land at Lake Placid, but it did not consult with any individual athletes, including claimants, before making this change. None of the Procedures' twelve criteria require mid-season on ice push testing results as one of the factors to be considered by the Team Selection Committee in selecting and nominating push athletes for the 2010 Olympic bobsled team, nor do these criteria prohibit push cart testing results on dry land from being considered.

It is undisputed that on ice push testing is a better source of objective data than push cart testing on dry land. Thus, claimants and some other push cart athletes not selected for the National Team, including Randy Jones, were understandably disappointed that USBSF decided to substitute push cart testing on dry land at Lake Placid for on ice push testing in Europe. Although some of claimants inquired about USBSF's reasons for its decision and may have been given some inaccurate information, none of them filed any formal complaints or protests concerning USBSF's November 17, 2009 decision until after the Team Selection Committee announced its nominations for the 2010 Olympic bobsled team on January 17, 2010.<sup>3</sup>

USBSF did not mandate that all push athletes participate in the November 20<sup>th</sup> and/or December 17<sup>th</sup> mid-season push cart testing at Lake Placid, and only some of the push athletes on the National Team participated in this testing. All four claimants participated in push cart testing at Lake Placid on December 17<sup>th</sup>. The results achieved by Garrett Hines (1<sup>st</sup>, 2<sup>nd</sup>, and 6<sup>th</sup> best times) and Jesse Beckom, III (3<sup>rd</sup> and 5<sup>th</sup> best times) placed them "in the mix" for Olympic team consideration.

All push athletes, including claimants, were evaluated by the Team Selection Committee and fairly considered for the 2010 Olympic men's bobsled team based only on the twelve criteria set forth in the Procedures. Although none of the push athletes selected for the USA III four-man bobsled team participated in mid-season push cart testing at Lake Placid, other objective data was used to compare their relative performance to that of claimants. The Committee rationally exercised its discretion to select and nominate nine push athletes for the USA men's bobsled team.

Claimants did not allege or prove the Team Selection Committee was improperly composed or that any of its members had a direct conflict of interest. Claimants presented no evidence of any bad faith, bias, arbitrariness, or *de facto* consideration of any factors other than the USBSF's twelve criteria by the Team Selection Committee that caused them not to be selected and nominated as members of the 2010 Olympic team.

After October 24, 2009, claimants had the same opportunities to improve their qualifications to be selected and nominated for the 2010 Olympic team as other push athletes not selected for the National Team. It is undisputed that on ice bobsled racing times are the best source of objective data for comparative purposes and provide a better indicator of a push athlete's performance than on ice push testing results. All of the claimants had the opportunity to compete in seven America's Cup bobsled races after October 24, 2009 and to achieve strong performances and times, which were the best means of providing additional objective data that

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<sup>3</sup> Claimants' demand for arbitration challenging the procedures for selecting push athletes was not filed until January 26, 2010, and claimants did not request an on ice combination race-off and that the results of which be used to determine the push athletes for the USA-III men's Olympic bobsled team until January 28, 2010.

would strengthen their qualifications for the Olympic team. Based on uncontradicted testimony from two members of the Team Selection Committee, Darrin Steele and Lorenzo Smith, the Committee selected and nominated nine push athletes other than claimants for the 2010 Olympic bobsled team based on its full and careful consideration of all twelve criteria listed in USBSF's Procedures. In the judgment of the Committee, despite the lack of any mid-season on ice push testing results, it had sufficient objective data to determine that the comparatively better overall performance data of the push athletes nominated for the USA III bobsled team, combined with driver input and all claimants' lack of strong numbers from post-October 24<sup>th</sup> America's Cup race results, weighed in favor of their selection rather than claimants.

## LEGAL ANALYSIS

In a claim arising under Section 9 of the USOC Bylaws, claimants have the burden of proving their claims by a preponderance of the evidence. *Nieto v. USA Track & Field*, AAA Case No. 77 190 E 00275 08 JENF (July 19, 2008); *Ruckman v. United States Rowing Ass'n*, AAA Case No. 77 190 E 00189 08 JENF (May 29, 2008); *Cameron Booth v. United States Rowing Ass'n*, AAA Case No. 30 190 259 07 (March 16, 2008); *Gault v. United States Bobsled & Skeleton Federation*, AAA Case No. 72 E190 0002 92 (January 11, 1992). Claimants must either prove there is no rational basis for USBSF's USOC-approved twelve objective and subjective criteria for selecting push cart athletes for the 2010 Olympic (which is not their contention), or that these criteria, if rational, were not followed or were applied arbitrarily in violation of their legally protected opportunity to participate under Section 9. See generally *Cameron Booth*, supra.

As the appointed arbitrator, I have authority only to determine whether Claimants had a fair opportunity to compete for a position on the USA men's bobsled team and whether USBSF's Team Selection Committee used and rationally applied the published Procedures' twelve criteria in selecting and nominating push athletes for the 2010 Olympic team. My role is not to determine whether USBSF "chose the best process for selecting teams," *Cameron Booth* at 19, or to substitute my lay judgment for the expert professional judgment of USBSF in establishing selection criteria or that of the Team Selection Committee in applying the criteria to individual push athletes.

Based on my foregoing findings of fact, I conclude that USBSF, as the NGB for the sport of bobsled, promulgated valid and reasonable criteria for selecting and nominating push cart athletes for the 2010 Olympic Team. These criteria were fairly and rationally applied by USBSF's Team Selection Committee in exercising its discretion to select and nominate nine push athletes for the USA men's bobsled team. Claimants have not satisfied their burden of proving that USBSF's November 17, 2009 discretionary decision to substitute mid-season push cart testing on dry land at Lake Placid for originally anticipated on ice push testing in Europe changed or otherwise violated its June 24, 2009 push athlete selection criteria. Claimants, despite their very understandable disappointed expectations, did not prove by a preponderance of the evidence that, if on-ice push testing had been held in Europe in early January 2010 as USBSF originally anticipated, the Team Selection Committee would have selected any of them as push athletes for the USA men's bobsled team rather than one or more of the individuals chosen for the team. Claimants also have not proven that USBSF violated its own rules, any USOC rules, or any fundamental rules of due process and fairness, or proven that USBSF has otherwise violated any of their legally protected rights in connection with its selection and nomination of the push athletes for the USA men's bobsled team that will compete in the 2010 Olympics.



Because claimants have not proven their legally protected opportunity to participate under Section 9 was violated, there is no legal basis or justification for me to grant their requested relief: 1) determining each claimant satisfies USBSF's twelve criteria for selecting the push athletes for the 2010 Olympic bobsled team; and/or 2) ordering USBSF to allow claimants to participate in a combination race-off on ice and to consider the results in selecting the push athletes for the men's USA-III Olympic four-man bobsled team. The facts of this case are significantly different from *Gault v. United States Bobsled & Skeleton Federation*, in which the arbitrator ordered a push-off competition to remedy claimants' proven contention that the 1992 Olympic bobsled trials and selection process were conducted improperly and with irregularities, thereby denying them a fair opportunity to participate in the Olympics. Moreover, I am not authorized to grant similar relief in this case because doing so would require USBSF to consider new criteria not previously approved by USOC or expressly enumerated in its June 24, 2009 push athlete selection criteria, which USBSF is obligated to follow pursuant to USOC Bylaw §8.7(g). *Lindland v. U.S. Wrestling Ass'n, Inc.*, 227 F.3d 1000, 1004 (7<sup>th</sup> Cir. 2000) ("Arbitrators are not ombudsmen; they are authorized to resolve disputes under contracts and rules, not to declare how the world should work in the large.).

### DECISION AND AWARD

Based on the foregoing findings of fact and legal analysis, the arbitrator decides and awards as follows:

All of claimants' claims and requested relief is denied.

The parties shall bear their own attorney's fees and costs associated with this arbitration.

The administrative fees of the American Arbitration Association totaling \$750.00 and the compensation of the arbitrator totaling \$1,050.00 shall be borne equally. Therefore, United States Bobsled and Skeleton Federation, Inc. shall reimburse Jesse Beckom III, Garrett Hines, Theron Johnson, and Ivan Radcliff the sum of \$375.00, representing that portion of said fees in excess of the apportioned costs previously incurred by Jesse Beckom III, Garrett Hines, Theron Johnson, and Ivan Radcliff.

This Award is in full settlement of all claims submitted to this Arbitration. All claims not expressly granted herein are hereby denied.

February 10, 2010

  
Matthew J. Mitten