

# AMERICAN ARBITRATION ASSOCIATION

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In the Matter of the Arbitration between

Re: 77 190 E 00318 10 JENF

Michael Saltzstein

and

USA Swimming

and

Affected Individuals

Robert Broyles; Jack Allender; Jim Sheehan

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## ARBITRATOR DECISION

1. The Parties submitted post-hearing closing briefs on July 17 and post-hearing reply briefs on July 20, 2010.
2. The Arbitrator closed the hearing on July 21, 2010.
3. The Parties agreed that the Arbitrator could announce his decision by July 22, 2010, and thereafter issue a reasoned award.
4. On July 21, 2010, the Arbitrator announced his decision that:
  - a. The Arbitrator has concluded that the Respondent's decision—to nominate Mr. Broyles as a FINA Referee rather than re-nominate the Claimant—was arbitrary, capricious, and in violation of the Claimant's legally protected opportunity to participate as an international referee under the Sports Act, which affords him due process rights in being fairly considered as a nominee for FINA List 16.
  - b. The Arbitrator therefore orders the Respondent to immediately replace Mr. Broyles with the Claimant as a Referee nominee for FINA List 16 and so inform FINA immediately.

July 21, 2010

/s/

James R. Holbrook