

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

AAA CASE NO. 77 190 E 00170 12 JENF

In the Matter of the Arbitration between

Thomas Graves, Claimant

and

US Rowing Association, Respondent

ARBITRATOR DECISION

The undersigned Arbitrator was appointed by the American Arbitration Association (“AAA”) after receipt at 6:01 pm ET on June 8, 2012, of a Demand for Arbitration by Thomas H. Graves (“Demand”) arising out of the Ted Stevens Olympic and Amateur Sports Act of 1978, as amended (“Sports Act”), and Section 9 of the Bylaws of the United States Olympic Committee (“USOC Bylaws”). Resolution of the issues set forth in the Demand would resolve the right of the Claimant to participate in the Olympic Trials that are to be held by US Rowing Association (“US Rowing”) on June 11 – 14, 2012 (“Olympic Trials”).

A preliminary hearing was held at 9:00 pm ET on June 8, 2012, at which time the parties accepted the undersigned as the Arbitrator for this dispute; agreed upon the list of other US Rowing athletes that would be entitled to notice of this arbitration under Section 9.8 of the USOC Bylaws; established a procedure for resolution of the issues set forth the Demand on an expedited basis, including discovery, an exchange of documents, witness lists and exhibit lists, and briefing by the parties; and agreed to a hearing to be held at 12:00 pm on Sunday June 10, 2012, at the offices of US Rowing, 2 Wall Street, Princeton, NJ 08540. Notice to the affected athletes was provided pursuant to Section 9.8 of the USOC Bylaws, and, pursuant to notice provided by the AAA, the hearing was held on June 10, 2012, beginning at 3:30 pm ET and ending at approximately 8:45 pm ET on that date. The record was closed at the end of the hearing, and the parties and the affected athletes agreed that, due to the commencement of the Olympic Trials on June 11, 2012, an expedited decision would be rendered on June 11, 2012, with a reasoned award to follow.

Based on and subject to the foregoing, the undersigned hereby renders the following decision with respect to the Demand:

1. The decision of US Rowing to exclude Mr. Graves from participation in the men’s single sculls event at the Olympic Trials was required by the US Rowing Athlete Selection Procedures for the 2012 Olympic Games dated July 26, 2012, amended September 26, 2011 (“Selection

Procedures for 2012 Olympic Games”). That decision did not constitute a violation of Mr. Grave’s opportunity to participate in the Olympic Games as guaranteed by the Sports Act and Section 9 of the USOC Bylaws. Mr. Graves was given, and took advantage of, the same right and opportunity to compete for selection of the men’s single sculls event at the Olympic Games as any other qualified member of US Rowing.

2. Prior to the decision referred to in numbered paragraph 1, above, US Rowing had advised Mr. Graves that he would be permitted to participate in the men’s single sculls event at the Olympic Trials even though he did not satisfy the requirements for participation in that event set forth in the Selection Procedures for 2012 Olympic Games.

3. Although US Rowing did not act in bad faith, its actions were regrettable and for some period of time misled Mr. Graves regarding his right to participate in the men’s single sculls event at the Olympic Trials. However, based on the facts produced at the hearing, the interests of the other US Rowing athletes who did qualify to participate in the men’s single sculls event at the Olympic Trials pursuant to the criteria set forth in the Selection Procedures for 2012 Olympic Games, and other considerations, the actions of US Rowing did not constitute a waiver of the rules set forth in the Selection Procedures for the 2012 Olympic Games or the basis for estoppel of the enforcement by US Rowing of the Selection Procedures for the 2012 Olympic Games.

Dated: June 11, 2012


Mark Muedeking