

AMERICAN ARBITRATION ASSOCIATION
ARBITRATION TRIBUNAL

In the Matter of the Arbitration Between:

AAA No. 77 90 E 00 198 JENF

MEGAN GUARNIER,

Claimant,

v.

USA CYCLING, INC.,

Respondent.

Case Manager: Jen Nilmeier

INTERIM AWARD OF ARBITRATOR
JULY 6, 2012

I, the undersigned Arbitrator, having been designated by the American Arbitration Association and in accordance with 36 U.S.C. §22051, the United States Olympic Committee Constitution (Article IX) and Bylaws, having been duly sworn, having heard, reviewed and considered the allegations, proof and argument of the parties and Adversely Affected Athlete herein, do now hereby FIND, REASON, CONCLUDE and ENTER this INTERIM AWARD as follows:

1. Prior to the commencement of the hearing in this matter this day, Theresa Cliff-Ryan filed a pleading addressed to the undersigned, stated that Ms. Cliff-Ryan asserted her rights by submission of a demand for arbitration in regards to the Complaint, along with which was a request for consolidation of the cases. “We of been notified by ... of AAA that we are now able to present our claims within the Guarnier matter, and have replied ... that we will do so. [For the reasons set forth] We therefore feel that it is in the best interests of all of the parties involved to withdraw and dismiss our complaint without prejudice.”

A. That request to withdraw is incorporated herein by this reference.

B. The request for withdrawal and dismissal as set forth in the incorporated request are granted, and the dismissal of all claims within the jurisdiction of the undersigned are deemed withdrawn and dismissed without prejudice.

2. The complaint and claims of Megan Guarnier are denied, and dismissed with prejudice.

A. USA Cycling did follow its Athlete Selection Procedures. The discretionary criteria “in order of priority “are (1) Medal Capable; (2) Capable of Enhancing Team performance, (3) Future Medal Capability, and (4) Other. Claimant asserts that in some or all situations, criteria no. 2 – Capable of Enhancing Team performance, become equal in priority to criteria no. 1 Medal Capable. While there may be issues as to the wording of the explanation of criteria no 2, the discretionary criteria are clear that Capable of Enhancing Team performance is no. 2 in priority, and no circumstance under priority no. 2 can be treated as a no. 1 priority or the equivalent thereto.

3. This Interim Award will hereafter be followed up with a Final Award, to the same effect and conclusion, with the basic reasoning of the undersigned in reach the foregoing conclusions.

ENTERED this 6th day of July, 2012.

/s/ Robert E Benson

Robert E. Benson, Arbitrator