

USA TAEKWONDO, INC.

USA TAEKWONDO, INC.)	Case Number 2013_01_08
In re the Matter of:)	
Robert Gallagher,)	
)	DECISION OF JUDICIAL COMMITTEE
)	RE: ADMINISTRATIVE GRIEVANCE
Petitioner.)	EXPEDITED HEARING
And)	
)	
USA Taekwondo)	
)	
Respondent.)	
_____)	

The matter of the Administrative Grievance filed by Mr. Robert Gallagher against USA Taekwondo (USAT) came on for hearing January 8th, 2013 at 6:30 p.m. Eastern Daylight Time via conference call.

Mr. Gallagher represented himself and his son, Brian, who was not selected to receive one of two Wild Card positions for the USAT National Team trials. USAT was represented by Mr. Eric Parthen. The USA Taekwondo Judicial Committee Hearing Panel consisted of Athlete Member Markie Keelan, Committee Member Douglass Lewis and Chair Paul Krogh. The grievance was filed by Mr. Gallagher on or about January 6th, 2013 with a request for an expedited procedure pursuant to Article 15.11 of the By-Laws.

Mr. Gallagher Administrative Grievance

Mr. Robert Gallagher brought an administrative grievance to the USAT alleging that the process for granting US National Team Waivers and Wild Card Selection procedure is flawed. Mr. Gallagher further alleges that his athletes record against the lightweight division field makes him the proper choice to receive one of the wild card spots.

As a result of Brian Gallagher not receiving one of the Wild Card positions due to an inaccurate method of evaluating athletes, in breach of the Settlement Agreement between Brian Singer and USAT (to which Mr. Gallagher was party) Mr. Gallagher seeks four remedies: (1) USAT issue a special Wild Card to Brian

Gallagher to participate in the upcoming Team Trials on January 2013, (2) if a special Wild Card is granted, then USAT award any and all benefits given to the other athlete competing, (3) refund the \$250 complaint filing fee if a decision is made in Mr. Gallagher's favor and (4) USAT address selection procedures defects used by the National Team coaches.

Mr. Gallagher presented the follow grounds for his request:

1. Brian Gallagher had a demonstrated a competitive record worthy of consideration for a Wild Card position.
2. Mr. Gallagher's witnesses Troy Garr and Steve Rosbarski testified that in the interest of time they reviewed the selections procedure already in place to see if any additional athletes should be granted Wild Cards.
3. Several witness, including Herb Perez, testified that waivers were given to numerous athletes who served as training partner during the 2012 Olympics. These waivers were granted regardless of their competitive record or any other qualifying criteria. Some of the athletes had not competed in many years.
4. On rebuttal, USAT presented several documents and witnesses explaining the selection process and the settlement agreement, wild card selection procedure and waivers of Olympic training partners. It was clear from the testimony that the USAT acted in good faith and went to great lengths to resolve this matter in a fair and equitable manner.

FINDINGS

The Judiciary Panel finds the following:

1. While the action on the part of the USAT well intentioned, time constraints forced the review panel to utilize a selection procedure that the Hearing Panel consider to be flawed instead of

coming up with a new procedure. The Panels considers the current policy to be flawed for four primary reasons:

A. Clarification was not given as to how results in various weight classes should be interpreted versus the weight class for which the athlete was applying.

B. Each athlete's entire resume, including team trial results, was not available for the review panel to calculate or interpret. The Panel finds these results are more important than the National Championship results that were used as one of the five criteria to evaluate athletes since many of the elite athletes are not required to compete in Nationals.

C. Results for other competitions, such as the US Open and past National Team participation, were not ranked in terms of importance; thus, making it difficult to fairly evaluate all athletes with consistent criteria in conformance with the National Team Selection procedures published in the USA Taekwondo's website;

D. Subjective selection criteria weighed heavier than objective performance criteria, which the Panel finds does not provide a level playing field for evaluating all athletes.

The current process opens the door for an endless stream of complaints in the future.

2. Bob and Brian Gallagher provided a preponderance of evidence of performance, in accordance with the USAT selection criteria, which would have led a review panel to award a wild card waiver to Brian Gallagher had the criteria and defects listed above had been properly considered.
3. In addition, waivers given to training partners of Olympics athletes without regard to their competition record were not considered to be best policy in our opinion. While the Panel

understands the importance of training partners, waivers should be given only after other criteria is taken into consideration. This process will help to eliminate the possibility of an athlete with a weak resume being waived into the team trials with a cloud of (potentially-reasonably) perceived impropriety.

4. Article 18.f requires the avoidance of conflicts of interest, both real and perceived. While there is no evidence whatsoever that the USAT Team Coaches acted improperly, when Coaches select Olympic training partners, these same athletes receive an automatic waiver into Team Trials, thereby creating a reasonable perception of a perceived conflict of interest.

In an effort to remedy this situation, the Panel's decision is as follows:

DECISION

1. Mr. Gallagher's request for Brian Gallagher's entry into the upcoming Team Trials in the Lightweight Division is granted.
2. As a result of Item 1, Mr. Brian Gallagher is awarded all rights and responsibilities comparable to other competitors in his weight division.
3. Mr. Gallagher shall not have his fee refunded to him.
4. The Panel wishes to make clear that there is no evidence, allegation or belief by the Panel that either the Board of Directors, review panel or any coaches acted improperly. Within the bounds of the Athlete Selection Procedures, they appear to have acted in good faith. However, the glaring inconsistencies and flawed policies overwhelm the efforts made by the Board of Directors and others involved.

Recommendations:

1. For future National Team selection criteria and processes, the Panel recommends that USAT clarify the Waiver and Wild Card selection procedures currently in place. This should include the following:
 - 1) Eliminate conflicts of interest – either real or perceived.
 - 2) Give more weight to objective, specific and measurable criteria
 - 3) Reduce the weight given to subjective criteria.
 - 4) For Olympic training partners, in the future there should be strict criteria before they are given waivers into the team trials. This should include criteria similar to criteria used for other waivers or wild cards.

SO ORDERED.

DATED: January 9, 2013.

/s/ Markie Keelan
Markie Keelan, Athlete Member

DATED: January 9, 2013.

/s/ Douglass Lewis
Douglass Lewis, Member

DATED: January 9, 2013.

/s/ Paul B. Krogh
Paul B. Krogh, Chair