

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

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Case No. 01-20-0000-5425

In the Matter of the Arbitration between

THOMAS RAHIMI, Claimant

and

USA TAEKWONDO, INC. Respondent

and

JAYSEN ISHIDA and DAVID KIM, Affected Athletes.

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**FINAL AWARD**

I, THE UNDERSIGNED ARBITRATOR, having been designated by the American Arbitration Association ("AAA"), and in accordance with the Ted Stevens Olympic and Amateur Sports Act ("ASA"), 36 U.S.C. §220505 et seq., and Section 9 of the United States Olympic and Paralympic Committee ("USOPC") Bylaws, having been duly sworn, and having fully considered the Claimant's Demand for Arbitration, Respondent's Answer, and Claimant's Reply Brief as well as the parties' respective exhibits and witness testimony during a February 26, 2020 telephonic hearing, does hereby, AWARD, as follows:

**THE PARTIES**

Claimant Thomas Rahimi is a taekwondo athlete who competes in the -74 and -80kg weight categories and is a member of USA Taekwondo, Inc. ("USATKD"). Mr. Rahimi was represented by Howard L. Jacobs and Katy Freeman, Law Offices of Howard L. Jacobs, Westlake Village, California.

USATKD is the National Governing Body ("NGB") for the sport of taekwondo in the United States, which is recognized by the USOPC and World Taekwondo ("WT"), the

International Federation for the sport of taekwondo. USATKD's headquarters is in Colorado Springs, Colorado, and it was represented by Stephen A. Hess, Sherman & Howard, LLC, Colorado Springs, Colorado.

The Affected Athletes are Jason Ishida, a taekwondo athlete who competes primarily -80kg weight category as well as the -74kg category and is a member of USATKD, and David Kim, a taekwondo athlete who competes in the -54 and -58kg weight categories and is a member of USATKD.

### **PROCEDURAL BACKGROUND**

On February 12, 2020, because USATKD selected Mr. Ishida rather than himself to compete in the -80kg weight category for the Pan American Olympic Qualification Tournament in Costa Rica on March 10-22, 2020, Mr. Rahimi filed a Section 9 Complaint with the USOPC and Demand for Arbitration with the AAA, which requested expedited resolution and identified Mr. Ishida as an Affected Athlete.

On February 15, 2020, the AAA notified Professor Matthew J. Mitten that the parties selected him to serve as the Arbitrator.

On February 17, 2020, counsel for the parties agreed that USATKD's Answer would be due on February 19<sup>th</sup> by 5 pm ET, the Affected Athletes' Response (if any) would be due on February 24<sup>th</sup> by 5 pm ET, Claimant's optional Reply Brief would be due on February 24<sup>th</sup> by 5 pm ET, and a telephonic hearing would be held on February 26<sup>th</sup> starting at 11 am ET. This agreed schedule, which eliminated the need for a preliminary hearing, was approved by the Arbitrator while his appointment was being formalized.

On February 17, 2020 at 4:13pm MT, Mr. Hess provided appropriate notice of the filing of Mr. Rahimi's Section 9 Complaint and Demand for Arbitration via email to Mr. Ishida at [jaysenishida@gmail.com](mailto:jaysenishida@gmail.com), which stated as follows and subsequently was approved by the Arbitrator:

Greetings:

I am USA Taekwondo's attorney. Thomas Rahimi has filed the attached Complaint under Section 9 of the USOPC Bylaws alleging that he should have been selected to

compete in the Pan American Continental Qualifier in Costa Rica March 11-12 in place of you. Professor Matt Mitten has been appointed as the Arbitrator who will hear this case, and a telephonic hearing has been set for Wednesday, February 26, 2020 commencing at 8:00 a.m. Pacific time. Because your right to compete in the tournament may be affected, you have the right to participate in this case and in the hearing.

Feel free to call me if you have any questions, and also feel free to reach out to the USOPC Athlete Ombudsman, Kacie Wallace, at 719-866-2299 for assistance.

If you wish to participate, please send an email to the arbitration administrator, as soon as possible so she can add you to the mailing list. Even if you do not participate, you will be bound by any decision rendered by the Arbitrator.

Thank you,

Stephen

On February 17, 2020 at 4:16pm MT, Mr. Hess provided appropriate notice of the filing of Mr. Rahimi's Section 9 Complaint and Demand for Arbitration via email to Mr. Kim<sup>1</sup> at [davidkim207@gmail.com](mailto:davidkim207@gmail.com), which stated as follows and subsequently was approved by the Arbitrator:

Greetings:

I am USA Taekwondo's attorney. Thomas Rahimi has filed the attached Complaint under Section 9 of the USOPC Bylaws alleging that he should have been selected to compete in the Pan American Continental Qualifier in Costa Rica March 11-12 in place of Jaysen Ishida. Professor Matt Mitten has been appointed as the Arbitrator who will hear this case, and a telephonic hearing has been set for Wednesday, February 26, 2020 commencing at 8:00 a.m. Pacific time. Although your weight class was not selected for Olympic qualification, you have the right to participate in this case and in the hearing if you believe your right to compete was improperly denied.

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<sup>1</sup> In its Answer, USATKD asserted "[I]f the Arbitrator were to decide that Thomas Rahimi should have been selected based on the results on which he primarily relies (which are in the -74kg category rather than the -80kg category), the Selection Committee may well have elected to select David Kim -58 kg on the basis of the strength of Mr. Kim's performances in -54kg as well as in -58kg. Because the ASPs specifically emphasize that the Committee will give stronger consideration to performances in the Olympic weight categories, however, and after consideration of the relative competitiveness [sic] of each weight division going into the Continental Championships, the Committee selected Mr. Ishida." (p. 6).

Feel free to call me if you have any questions, and also feel free to reach out to the USOPC Athlete Ombudsman, Kacie Wallace, at 719-866-2299 for assistance.

If you wish to participate, please send an email to the arbitration administrator, as soon as possible so she can add you to the mailing list. Even if you do not participate, you will be bound by any decision rendered by the Arbitrator.

Thank you,

Stephen

On February 19, 2020, USATKD timely filed its Answer.

On February 21, 2020, the AAA formally appointed the Arbitrator and scheduled a telephonic evidentiary hearing for February 26, 2020 at 11am ET.

On February 24, 2020, Mr. Rahimi timely filed his Reply Brief.

On February 25, 2020, the Arbitrator requested that counsel discuss *Lui and USA Table Tennis Ass'n, Inc. and Tio*, AAA Case No. 01-19-0001-4377 (June 20, 2019), a Section 9 award published by the USOPC at <https://www.teamusa.org/Footer/Legal/Arbitration-and-Hearing-Panel-Cases/Section-9>, and its potential applicability to this case.

On February 26, 2020, a telephonic hearing was held from 11am ET until approximately 3pm ET. During the hearing, Mr. Rahimi testified on his behalf. Gareth Brown, a USATKD Director of Coaching, and May Spence, USATKD's Director of High Performance, testified on behalf of USATKD. Counsel stipulated that all the parties' respective exhibits (i.e., Claimant's Exhibits 1-17; Respondent's Exhibits 1-2) are admissible.

Despite timely and appropriate notice of this arbitration proceeding, neither Mr. Ishida nor Mr. Kim chose to participate in the hearing either by himself or by representation or to file any written submissions.

Sang Cha (Mr. Rahimi's coach), Steve McNally (USATKD's CEO), and Jay Warwick (USATKD's Secretary General) listened to the arbitration hearing by telephone.

With the approval of the parties' counsel, Peter Sandvick, a Marquette University Law School third-year student, assisted the Arbitrator during the hearing.

At the conclusion of the hearing, Mr. Rahimi, USATKD, and their respective counsel agreed they had received a full and fair opportunity to be heard, and the hearing was closed by the Arbitrator.

Because the late entry deadline for the Pan American Olympic Qualification Tournament closes at 7pm ET on February 28, 2020, the Arbitrator agreed to provide an Operative Award on February 27, 2020. Counsel agreed that the Arbitrator's reasoned award would be due by March 25, 2020.

On February 27, 2020, the Arbitrator issued the following Operative Award:

I have jurisdiction to resolve the dispute that is the subject of this Section 9 arbitration proceeding.

Mr. Rahimi's procedural due process rights, as he and his counsel acknowledged, were fully and fairly protected in this arbitration proceeding.

Mr. Rahimi did not prove by a preponderance of evidence that USA Taekwondo, Inc. ("USATKD") materially breached its "Athlete Selection Procedures 2020 Olympic Games June 11, 2019" or that the USATKD Selection Committee members inconsistently, unfairly, or irrationally applied the Athlete Selection Procedures by unanimously choosing Mr. Ishida as their discretionary selection to compete in the men's -80kg weight class in the 2020 Pan American Olympic Qualification Tournament.

Mr. Ishida is entitled to be USATDK's discretionary selection to compete in the men's -80kg weight class in the 2020 Pan American Olympic Qualification Tournament.

All of the claims in Mr. Rahimi's Demand for Arbitration and his requested relief are denied.

This Award fully resolves all claims and defenses submitted by the parties in connection with this arbitration proceeding. All claims and defenses not expressly granted herein are denied.

## **JURISDICTION**

It is undisputed that the Arbitrator has jurisdiction to resolve this team selection dispute pursuant to the ASA, 36 U.S.C. §220522(a)(4)(B), and Section 9 of the USOPC Bylaws because USATKD's discretionary selection of Mr. Ishida denies Mr. Rahimi the opportunity to participate in the Pan American Olympic Qualification Tournament, which is a "protected competition" under Section 1.3 (w) of the USOPC Bylaws.

## **FINDINGS OF MATERIAL FACTS**

In international taekwondo tournaments sanctioned by the WT (including the WT World Championships), there generally are eight weight categories for each sex. The WT men's weight classifications are -54 kg, -58kg, -63kg, -68kg, -74kg, -80 kg, -87kg, and +80kg. For the Olympic Games, there are only four weight categories for each sex; the men's weight classifications are -58 kg, -68kg, -80 kg, and +80kg. To obtain experience competing in an Olympic Games weight category, taekwondo athletes who generally compete in one of the omitted classes (-54 kg, -63kg, -74kg, -87kg) may move up to participate in one of the four Olympic weight classes during competitions. Athletes earn points based on their competition performances during tournaments, which are used to calculate their respective WT ranking for a particular weight class. In determining an athlete's WT ranking for an Olympic Games weight class (e.g., -80 kg), an athlete's points earned while competing in that class are combined with his points earned competing in the next lower WT weight class (e.g., -74kg).

WT rules permit a National Governing Body (NGB) such as USATKD to qualify a maximum of eight athletes (one male in each of the four men's categories, and one female in each of the four women's categories) that its National Olympic Committee (NOC) (e.g., USOPC) can enter in the Olympic Games taekwondo competition. An athlete earns a 2020 Olympic Games qualifying spot in an Olympic weight class for his or her NGB and NOC by 1) having a top-5 WT Olympic Ranking in that weight category following the 2019 WT Grand Prix Final; 2) being the highest ranked athlete in an Olympics weight category based on his January 2020 WT Grand Slam Champions Series merit points; or 3) placing first or second in an Olympics weight category in a Continental Qualification tournament.

No U.S. male taekwondo athletes qualified for any of the four men's Olympics weight categories for the 2020 Tokyo Olympic Games in accordance with either of the first two qualification criteria. In an effort to obtain a top-5 WT Olympic Ranking in the -80 kg weight category, Mr. Ramihi competed in numerous international and national taekwondo competitions in either the -74kg or -80kg weight classification during 2019. The combined points he earned while competing in both weight classifications (most were in the -74kg weight category) were approximately 50 points less than necessary for him to have a top-5 WT Olympic Ranking in the

-80kg weight category, which would have qualified the U.S. for a spot in that weight category for the 2020 Olympic Games.

Pursuant to WT rules, the United States may qualify at most only two male taekwondo athletes for this year's Olympic Games based on two U.S. male athletes' results in the 2020 Pan American Olympic Qualification Tournament. The U.S. is permitted to enter two male athletes in the Pan American Olympic Qualification Tournament; only one athlete may be entered in each of the two men's Olympics weight classes chosen by USATKD. To qualify a U.S. spot for the particular men's Olympics weight class, the U.S. athlete must place first or second in that weight classification while competing in this tournament.

The ASA provides USATKD, as the NGB for taekwondo, with the exclusive authority to nominate U.S. athletes for international taekwondo competitions such as the Olympic Games and the Pan American Olympic Qualification Tournament. 36 U.S.C.A. § 220523(a) (6) and (7). As part of its delegated authority pursuant to the ASA, USATKD must "establish clear athlete, team, and team official selection procedures approved by a Designated Committee (or if no such Designated Committee exists by the NGB Board) and by the [USOPC] for the Olympic, Paralympic or Pan American Games teams as applicable, and timely disseminate such procedures to the athletes and team officials. (USOPC Bylaws, § 8.7.1.d.ii). USATKD also is required to "effectively conduct, in accordance with such selection procedures, a selection process, including any Games trials (as approved by the [USOPC]), to select athletes for the Olympic, Paralympic and Pan American Games teams." (USOPC Bylaws, § 8.7.1.d.iii).

Pursuant to its USOPC-approved and published "USA Taekwondo Athlete Selection Procedures 2020 Olympic Games June 11, 2019" ("ASP"), USATKD established a Selection Committee composed of five individuals: USATKD Director of High Performance (May Spence); USATKD Secretary General (Jay Warwick); two USATKD Directors of Coaching (Paul Green and Gareth Brown); and one USATKD AAC Representative (Nia Abdallah). (ASP, Section 2.3).

In early January 2020, the Athlete Selection Committee solicited athlete applications to compete in the Pan American Olympic Qualification Tournament and compiled the submitted data into a spreadsheet setting out each athlete's accomplishments and points earned in relevant

competitions as well as detailed data about particular matches indicative of the athlete's competitiveness in international competitions. Mr. Rahimi and Mr. Ishida were among the athletes who submitted applications to compete in the -80kg weight category.

On January 14, 2020, the Selection Committee members met for several hours and initially discussed each of the four men's and women's Olympic weight categories and the top ranked U.S. athletes in each weight class to evaluate which athletes have the best chance of qualifying a U.S. spot in the Olympic Games by placing first or second in the Pan American Olympic Qualification Tournament for their respective weight classes. After doing so, they voted unanimously to enter a male athlete in the -80kg and +80kg weight classifications as well as to consider and choose either Mr. Rahimi or Mr. Ishida for the -80kg weight class. Based on what they considered to be the most important ASP athlete selection criteria (primarily Mr. Isida's and Mr. Rahimi's comparative 2019 international competition performance results and rankings in the -80kg weight class), the committee determined that Mr. Ishida has the best chance to place first or second in the -80kg weight class in the Pan American Olympic Qualification Tournament and unanimously selected him to participate in this competition.

In relevant part, the January 14, 2020 "Qualifying Athlete Selection Committee Meeting" Minutes ("Minutes"), state as follows:

#### Male -80kg

- 1) Thomas Rahimi: Reviewed athlete's results.
- 2) Jaysen Ishida: Reviewed athlete's results.
- 3) Mauricio Newman, Jr.: Reviewed athlete's results.
- 4) Niklas Poland: Reviewed athlete's results.
- 5) Seyed Farhang Mousavizadeh: Reviewed athlete's results.

Discussion: Thomas' Olympic ranking is 12. Jaysen's Olympic ranking is 20, all of 2019 results is in -80. Mauricio's Olympic ranking is 133; has 2018 results only and nothing for 2019. Niklas' Olympic ranking is 122; does not have a lot of international results. Seyed's Olympic ranking is 698; not a lot of evidence to consider. The main two contenders are Thomas and Jaysen. Hernandez sits between Thomas and Jaysen. Thomas pulled out Hernandez, lost to Cuban, didn't do well in the Pan Am games. Cuba is 5<sup>th</sup> ranked. Brazil, Thomas, Hernandez. Hernandez got Bronze in Pan Am, gold went to Columbian. Point difference between Thomas and Jaysen, 234 & 233. Brazil has 30 points on Thomas. Thomas will be #2. #2 and #3 will fight. Fight against Dominican for spot. Thomas

withdrew for injury and Jaysen hasn't fought him this year. Felipe represents Columbia, someone else represents them in -80. Miquel \_\_\_ is #48 in -68, has 32 points. Jaysen has not fought him and Thomas lost to him. Discussion tabled.

Vote Cast

Voted and unanimously passed to consider athletes from +80 and -80 for qualifier.

Male -80kg

- 1) Thomas Rahimi
- 2) Jaysen Ishida

Discussion: Thomas is ranked higher, most results in -74. Jaysen beat Nikita twice [and] beat Turk, not a lot of Pan Am results. We go in as seed 2 or 3, will fight Dominican. Can't fiddle with ranking. Thomas can earn enough points for seeding. Seeding is not a factor because both can be 2 or 3. Thomas go in as 2, Jaysen go in as 3. Jaysen has beaten top 10 or top 20 in past, consistently in -80. Higher rank and consistent in that.

Vote Cast

Voted and unanimously passed to select Jaysen Ishida for the -80kg division based on results.

There is no allegation or evidence that USATKD's Selection Committee was biased in favor of Mr. Ishida, or biased against Mr. Rahimi or acted in bad faith towards him, in applying the ASP or selecting Mr. Ishida to compete in the men's -80kg weight classification in the Pan American Olympic Qualification Tournament.

## **USATKD ATHLETE SELECTION PROCEDURES**

In relevant part, Section 1.2 ("Tryout Events") of the USATKD ASP specifically states:

1.2.1 Provide the event names, dates and locations of all trials, events and camps to be used as part to the selection process.

Quotas earned by the U.S. through the Qualification System established by World Taekwondo (<http://www.worldtaekwondo.org/tokyo-2020-qualification-system-2/>) will be filled by either direct qualification (1.3.a. and 1.3.b.) or a fight-off (1.3.c.) . . . The

selection process will be dependent upon how each quota is earned, as described in Section 1.3. Performance data and/or results gathered from the events and ranking systems listed below will be used to determine an athlete's selection to a qualification event (the Pan American Olympic Qualification Tournament) and/or the 2020 U.S. Olympic Team as explained in detail in Section 1.3.

The following (a) will be . . . 2) used in part for consideration to be selected to the Pan Am Olympic Qualifying Team (1.3.c.) . . .

- a) World Taekwondo Olympic Rankings following the Grand Prix Final in Moscow, Russia, December 6-7, 2019 (will be published on [www.worldtaekwondo.org](http://www.worldtaekwondo.org) January 2020)

The following (c. and d.) will be used in part for: 1) consideration for selection to the Pan Am Olympic Qualifying Team (1.3.c.); 2) selection to the 2020 U.S. Olympic Team for a quota earned through the continental qualification pathway (1.3.c.); 3) determining replacement athletes (4.1.1.).

- c) U.S. National Rankings sponsored by Tusah
  - i. Current rankings and the 2019 U.S. National Sparring Ranking Rules are found at <https://www.teamusa.org/usa-taekwondo/v2-national-teams/tusah-us-national-rankings>.
  - ii. See additional details in 1.2.2. outlining how U.S. athletes gain eligibility to attend events that earn national ranking points.
- d) Athlete evaluations of their best performances from up to four (4) World Taekwondo G-1 events and best performances from up to four (4) World Taekwondo G-2 events in 2019 through January 10, 2020. . . .

The following (e.) will be used for: 1) selection to the 2020 U.S. Olympic Team for a quota earned through the continental qualification pathway (1.3.c.).

- e) Olympic Team Fight-Off. For any quotas earned through the Pan American Olympic Qualification Tournament, there will be a fight-off to determine selection to the 2020 U.S. Olympic Team. See 1.2.2.f. and 1.3.c. for details.

In relevant part, Section 1.3 c (“**Quota Places Earned through Continental Qualification**”) provides:

Pan American Olympic Qualification Tournament: March 10-12, 2020 in San Jose, Costa Rica

...

If USATKDKD qualifies less than two (2) athletes in either gender through the WT Olympic Rankings and/or WT Grand Slam Champions Series, USATKDKD will be eligible to participate in the Pan American Olympic Qualification Tournament to attempt qualification of up to two (2) male and (2) female athletes with a maximum of (1) athlete per weight category which has not already been qualified.

...

The process for selecting athlete(s) to fill any available U.S. entries to the continental qualification tournament consists of the USATKDKD Selection Committee’s evaluation of the performance data and/or results gathered from the events and ranking systems listed in 1.2.1. (items a., c. and d.) as well as the factors described in Section 2 below. Athletes will be nominated and notified via email to compete at the Pan American Olympic Qualification Tournament by the USATKDKD Selection Committee by January 17,2020 (following the US Grand Slam in Jan. 2020, exact date TBD).

The two (2) highest placed athletes per weight category at the Pan American Olympic Qualification Tournament will qualify quota places for their NOC. If USATKDKD earns any quota places through this continental qualification pathway, the process for selecting athlete(s) to the 2020 U.S. Olympic Team to fill these quota places is as follows:

**2020 U.S. Olympic Team Members Selected to Fill Continental Quotas:**

As described in 1.2.2.f., an Olympic Team Fight-Off will be held if any quota(s) is/are qualified through the Pan American Olympic Qualification Tournament. The fight-off for each qualified Olympic weight category will consist of up to four (4) athletes as determined through the criteria defined in 1.2.2.f.1-4.

The athlete who earned the quota for the U.S. through the Pan American Olympic Qualification Tournament will hold the #1 seed for the fight-off in their Olympic weight category; the other athletes in the fight-off will not be seeded and will fight in a round robin format. The winner of the round robin format will have to defeat the #1 seeded athlete twice. The #1 seed will only need to win once.

The winner of the fight-off(s) will be nominated to the 2020 U.S. Olympic Team.

In relevant part, Section 1.3 c 2 (“**DISCRETIONARY SELECTION (if applicable)**”)

provides:

2.1 Provide rationale for utilizing discretionary selection (if any):

The rationale for utilizing discretionary selection is based on USATKDKD attempting to qualify as many weight categories as possible with a top-2 result within the Pan American region for the 2020 Olympics. However, the main objective is to project current medal-capable performances at the international level including the Olympic Games.

2.2 List the discretionary criteria and explain how they will be used (if any):

There are three scenarios for which USATKDKD may use discretionary selection criteria:

1. Selecting athlete(s) to fill any available U.S. entries to the Pan American Olympic Qualification Tournament (continental qualification pathway) described in 1.3.c.

Athletes are identified or selected for these three scenarios (when applicable) based on a variety of factors to ensure that the athletes are selected based on a current body of work where they must perform consistently, rather than selection based only on one competition. Considerations listed below (in no particular order):

- o Each athlete will be evaluated on their results at the events outlined in Sections 1.2.1. and 1.2.2. **Stronger consideration will be given to performances at events contesting only the four Olympic weight categories per gender (over performances at events contesting eight WT Senior weight categories per gender).** . . . Athletes must have proven results in the Olympic weight category to be considered for the Pan Am Olympic Qualifying Team. Proven results are defined as earning a medal in any World Taekwondo G Level competition.

USATKDKD believes that results earned in the Olympic weight categories are indicative of Olympic success, therefore much more weight will be given to Olympic weights for consideration as to which athletes will be nominated for the Pan Am Olympic Qualifying Team. Priority will be given to G-4 events, followed by the best results in up to four (4) G-2 and up to four (4) G-1 level events, and points earned in the USATKDKD 10.0 Domestic Sanctioned events. Athlete may compete in more than four

(4) G-1 and G-2 events but only results from their best four (4) performances in each G-1 and G-2 will be considered (provided evaluation forms are submitted by the deadline - failure to submit evaluation forms will disqualify athlete from consideration). USATKDKD 10.0 sanctioned events will be subject to the points cap as stated in the points rules ([www.teamusa.org/usa-taekwondo/v2-national-teams/tusah-us-national-rankings](http://www.teamusa.org/usa-taekwondo/v2-national-teams/tusah-us-national-rankings)).

o Strength and depth of competition – The number of athletes in the competition and their rankings (based on the competitions outlined in Sections 1.2.1. and 1.2.2.). Strength of competition will be calculated using the following formula (as used in calculating U.S. National Rankings):

Formula for calculating Strength Factor (SF)

$$SF = [N/3 + 5(R4) + 4(R8) + 3(R12) + 2(R16)]/100$$

N	Number of athletes in division
R4	Number of athletes ranked 1-4 in Olympic Ranking at time of defeat
R8	Number of athletes ranked 5-8 in Olympic Ranking at time of defeat
R12	Number of athletes ranked 9-12 in Olympic Ranking at time of defeat
R16	Number of athletes ranked 13-16 in Olympic Ranking at time of defeat

- o Quality and quantity of matches – Whom the athlete beat and whom they lost to (based on the competitions outlined in Sections 1.2.1. and 1.2.2.).
- o Fighting style – Beating opponents by points, superiority, opponent receiving 10 gameons or referee-stops contest (RSC) versus winning by disqualification or opponent’s withdrawal is an indicator of an athlete’s potential on the world stage.
- o Projected medal chances in a specific weight category at the world-level at the 2020 Olympic Games based on current international competition results.
- o The level of competitiveness in the Pan American region for a specific weight category and the USA’s chances of qualifying that weight category based on athlete evaluations.
- o Physical fitness of athlete leading up to the Games (i.e., injuries, weight management).
- o For the purpose of this Olympic selection period, athletes cannot move points in the U.S. National Ranking system in January of 2020.

## LEGAL ANALYSIS

### Claimant's Burden of Proof and Arbitral Scope of *De Novo* Review

*Lui and USA Table Tennis Ass'n, Inc. and Tio*, AAA Case No. 01-19-0001-4377 (June 20, 2019) at 17-18 provides the following summary of the Section 9 jurisprudence regarding these threshold issues:

In a Section 9 team selection dispute, it is well established that the athlete has the burden of proving by a preponderance of evidence a claimed denial of a fair opportunity to compete for selection as a member of a team that will participate in a “protected competition”. . . . *Tibbs v. United States Paralympics*, AAA Case No. 71 190 E 00406 12 at 14 (August 28, 2012) (citing several prior Section 9 awards). “Section 9 jurisprudence requires [Mr. Rahimi] to prove [USATKD] breached its approved and published Athlete Selection Procedures for the [2019 Pan Am Games], applied them inconsistently to athletes similarly situated, acted in bad faith towards or with bias against [her], and/or violated applicable federal or state laws (e.g., Ted Stevens Olympic and Amateur Sports Act).” *Id.* See also *Komanski v. USA Cycling*, AAA Case No. 01-15-0004-9907 (Nov. 15, 2015) at 5 (adopting this substantive standard for evaluating the merits of a team selection dispute).

Although not expressly incorporated or referenced therein, “[i]t is well accepted that the [arbitral] standard of review for cases arising under Section 9 of the USOC Bylaws is de novo.” *Komanski* at 5. In exercising de novo review in a team selection dispute, the arbitrator ensures that: 1) the athlete is given adequate procedural due process by providing a full and fair opportunity to be heard regarding his claims; and 2) the merits of an NGB’s challenged decision comply with the foregoing requirements of the law of private associations by analyzing whether its athlete selection procedures are valid; were followed and applied consistently; its discretionary decision was rational/reasonable (i.e., not arbitrary or capricious) and in good faith (i.e., without any bad faith or bias); and complies with applicable federal and state laws.

*Komanski* states that “Section 9 proceedings are not appeals of NGB decisions and there is no requirement for an arbitrator in these proceedings to give deference to any prior decision and, in fact, it would be incorrect to do so.” *Id.* at 5. (quoting *Craig v. USA Taekwondo, Inc.*, AAA Case No. 77 190E 00144 11 (August 21, 2011)). Despite this language, in practical application and effect, an arbitrator’s de novo review in a team selection dispute generally is deferential to an NGB’s professional judgment regarding how to satisfy its USOC-delegated legal duty under the ASA “to obtain for the United States . . . the most competent amateur representation possible” if the NGB complies with the law of private associations.

In a Section 9 team selection dispute, “[a]rbitrators are not ombudsmen; they are authorized to resolve disputes under contracts and rules, not to declare how the world

should work in the large.” *Lindland v U.S. Wrestling Ass’n, Inc.*, 227 F.3d 1000, 1004 (7<sup>th</sup> Cir. 2000). Therefore, the scope of my de novo review of [an NGB’s] discretionary selection of [an athlete other than the Claimant athlete] is limited as follows:

I have authority only to determine whether [Claimant] had a fair opportunity to compete for a position on the [team that will compete in a protected competition] and whether [an NGB’s] Team Selection Committee used and rationally applied [its] published [Athlete Selection Procedures]. My role is not to determine whether [an NGB] “chose the best process for selecting teams” *Cameron Booth* at 19, or to substitute my judgment for the expert professional judgment of [an NGB] in establishing selection criteria or the Team Selection Committee in applying the criteria to individual [athletes].” (emphasis original). *Beckom and USBSF*, AAA Case No. 77 190 E 00105 10 (February 10, 2010) at 8. See also *Komanski* at 5 (“In the context of selections cases, that review is not one that substitutes the arbitrator’s assessment of performance for that of the NGB experts who are involved in the decision making.”). In the immediately following sentence, *Komansky* states “Rather, it is a *de novo* review, with no deference, of the application of the published selection procedures to the facts of the individual case.” This statement, however, appears to conflict with its foregoing sentence and the generally applied standard of review for athlete selection cases.

#### Protection of Mr. Rahimi’s Procedural Due Process Rights

In accordance with the ASA, 36 U.S.C. §220522(a)(4)(B), and Section 9 of the USOPC Bylaws, this arbitration proceeding was conducted by an independent and impartial arbitrator in compliance with AAA’s Commercial Rules. At the beginning of the hearing, all of Mr. Rahimi’s exhibits were admitted into evidence. During the hearing, which lasted approximately four hours, he was permitted to call and directly examine his chosen witnesses (only himself) and to cross-examine USATKD’s two witnesses (Mr. Brown and Ms. Spence) regarding the relevant and material issues in dispute. At the conclusion of hearing, Mr. Rahimi and his counsel acknowledged that he had been given a fair and full opportunity to be heard. Therefore, Mr. Rahimi’s procedural due process rights were fully and fairly protected and respected in this arbitration proceeding.

#### USATKD Selection Committee’s Evaluation of ASP Criteria and Selection of Mr. Ishida for -80kg Weight Classification for Pan American Olympic Qualification Tournament

In his Section 9 Complaint and Demand for Arbitration, Mr. Rahimi asserts that: 1) the ASP’s discretionary selection criteria are not clear, transparent, and easy to apply without confusion in violation of the ASA and USOPC Bylaws pursuant to *McConeloug v. USA*

*Cycling*, AAA Case No. 30 190 00750 04 (July 20, 2004); and 2) the Selection Committee applied the ASP selection criteria inconsistently and unfairly to athletes similarly situated, namely himself and Mr. Ishida. (Attachment A, Statement of Dispute, pp. 14-19). Mr. Rahimi requested that “he be named to USA Taekwondo’s Pan American Olympic Qualification Tournament team in the -80kg weight class.” (*Id.* at p. 20). In his Reply Brief, he asserts that the Selection Committee arbitrarily chose Mr. Ishida to compete in the -80kg weight class for this continental qualification tournament by improperly prioritizing or not considering the ASP selection criteria.

During the hearing, Mr. Rahimi’s counsel stated that, unlike the claimant athlete in *Lui*, he is not facially challenging USATKD’s ASP selection criteria for the Pan American Olympic Qualification Tournament and did not introduce any evidence to prove they “are impermissibly vague, unclear, and difficult to apply without confusion” as contended in his Section 9 Complaint and Demand for Arbitration (Attachment A, Statement of Dispute, p. 17), thereby effectively abandoning this argument. Mr. Rahimi contends that the Selection Committee breached the ASP by not considering all its enumerated team selection criteria and also by inconsistently, unfairly, and arbitrarily applying the criteria in its comparative evaluation of himself and Mr. Ishida in determining which one of them would have the best chance of placing first or second in the men’s -80kg weight class in the qualification tournaments. Thus, this case is factually distinguishable from *Lui*, in which the arbitrator ruled that an NGB consistently, fairly, and rationally applied all the listed discretionary selection criteria to both athletes and upheld its selection of the chosen athlete. In addition to the relief that Mr. Rahimi is seeking in this proceeding, his counsel requested that the Arbitrator require USATKD to pay his AAA arbitration costs.

In support of his contention that he is the U.S. athlete with the best chance of placing first or second in the men’s -80kg weight class in the Pan American Olympic Qualification Tournament if all the ASP selection criteria (Section 1.2.1(a), (c), and (d) WT Olympic Rankings, U.S. National Tusah Rankings, and athletes’ self-assessments of their G-1 and G-2 performances in 2019 through January 10, 2020, and Section 2.2 discretionary criteria) are considered as well as consistently and fairly applied, Mr. Rahimi submitted the following evidence:

- he is ranked 12<sup>th</sup> in the WT Olympic Rankings, and Mr. Ishida ranked 21<sup>st</sup>;
- in the U.S. National Rankings sponsored by Tusah, he is the highest ranked U.S. athlete in the combined 74kg and -80kg weight categories (ranking 1<sup>st</sup> at -74kg and 8<sup>th</sup> at -80kg, Mr. Ishida is unranked at -74kg and 1<sup>st</sup> at -80kg);
- during 2019 international competitions in the -80kg weight category, he won the gold medal in the Costa Rica Open, won the silver medal in the Canada Open, and represented the U.S. in the 2019 Pan American Games and WT Grand Prix Tournament Final;
- he has defeated Mr. Ishida in head-to-head competition 5 of 6 times during the past 2 ½ years, including 2 wins and 0 losses against Mr. Ishida in the 2019 Pan American Games fight-off in June 2019; and
- he would be seeded #2 (and Mr. Ishida would be seeded #3) in the in the Pan American Olympic Qualification Tournament, which makes it more likely he would place in the top two because his bracket draw of opponents would not be as tough as that of Mr. Ishida with the #3 seed.

USATKD asserts that its five-person Section Committee appropriately applied the ASP criteria within its broad scope of discretion and unanimously determined that Mr. Ishida is the U.S. athlete with the best chance of placing first or second in the men’s -80kg weight class in the Pan American Olympic Qualification Tournament. This determination necessarily requires the exercise of professional judgment based on its members’ collective experiences and expertise regarding the sport of taekwondo at the international level of competition. In accordance with Section 1.3(c), the committee consistently and fairly evaluated both athletes’ respective “performance data and/or results [for] the events and ranking systems listed in 1.2.1 (items a., c., and d.) as well as the [discretionary] factors described in Section 2.” Consistent with Section 2.2 of the ASP, which provides that “USATKD believes that results earned in the Olympic weight categories are indicative of Olympic success, therefore much more weight will be given to Olympic weights for consideration as to which athletes will be nominated for the Pan Am Olympic Qualifying Team,” it properly focused on the comparative rankings and competitive performances (both qualitative wins and losses) of Mr. Ishida and Mr. Rahimi in the -80kg weight category for 2019. Because the WT Olympic Rankings combine an athlete’s points earned while competing at

both -74kg and -80kg, the committee properly determined that Mr. Rahimi's higher ranking is not necessarily indicative of his likely performance in this continental qualification tournament.

To support its Selection Committee's determination that Mr. Ishida is the U.S. athlete with the best chance of placing first or second in the men's -80kg weight class in the Pan American Olympic Qualification Tournament, USATKD submitted the following evidence:

- based solely on their respective points earned while competing in the -80kg weight category, Mr. Ishida's world ranking is # 22 and Mr. Rahimi's is #33;
- in the U.S. National Rankings sponsored by Tusah, Mr. Ishida is the highest ranked U.S. athlete in the -80kg weight category, and Mr. Rahimi is ranked 8<sup>th</sup>;
- considering the caliber and quality of opponents each fought in the -80kg weight category during 2019, Mr. Ishida's international performance results were better and more consistent than those of Mr. Rahimi. For example, Mr. Ishida defeated the #4 world ranked athlete, performed better in the 2019 WT Grand Prix (Rome) and did not lose to any low ranked opponents. Mr. Rahimi did not defeat any opponent as highly ranked as the #4 world ranked athlete that Mr. Ishida defeated; despite having a good seed because of the points he earned from competing in the -74kg weight class, he lost his first round match and performed poorly in the 2019 Pan American Games; he lost to an opponent ranked #48 in the world; and he previously lost to a Cuban athlete he might have to defeat to place in the top two in the Pan American Olympic Qualification Tournament.

Based on the parties' respective contentions, the Arbitrator must resolve the following issues in accordance with the applicable Section 9 jurisprudence:

- 1) whether the Selection Committee breached USATKD's ASP or applied them inconsistently or unfairly to athletes similarly situated (i.e., Mr. Rahimi and Mr. Ishida); and
- 2) whether the Selection Committee's decision to select Mr. Ishida to compete in the -80kg men's division at the 2020 Pan American Olympic Qualification Tournament was rational/reasonable (i.e., not arbitrary or capricious).

At the outset, the Arbitrator is mindful of *Lui's* guidance: “in practical application and effect, an arbitrator’s *de novo* review in a team selection dispute generally is deferential to an NGB’s professional judgment regarding how to satisfy its USOC-delegated legal duty under the ASA ‘to obtain for the United States . . . the most competent amateur representation possible’ if the NGB complies with the law of private associations.” Pursuant to *Lui, Beckom, and Cameron Booth*, “I have authority only to determine whether [Mr. Rahimi] had a fair opportunity to compete for [selection for the U.S. athlete -80kg weight class for the 2020 continental qualification tournament] and whether [the] Selection Committee used and rationally applied [the ASP], . . . not to . . . substitute my judgment for . . . [that of] the . . . Selection Committee in applying the criteria to individual [athletes].” This fundamental arbitral principle is consistent with and complies with Colorado’s law of private associations, which requires an independent tribunal to uphold a sports governing body’s discretionary decision “rationally related to [its] legitimate purpose” that is “not manifestly arbitrary, unreasonable or unfair.” *Bloom v NCAA*, 93 P.3d 621, 626 and 628 (Colo. App. 2004).

In selecting U.S. athletes for the Pan American Olympic Qualification Tournament, Section 1.3 (c) of USATKD’s ASP provides that the Selection Committee will evaluate “the performance data and/or results gathered from the events and rankings systems listed in 1.2.1 (items a., c. and d.)” (i.e., athlete’s WT Olympic Rankings (following the 2019 Grand Prix Final); U.S. National Rankings; and evaluations of best performances in a maximum of four WT G-1 events and G-2 events in 2019 through January 10, 2020), which will be “used in part” in considering whether the athlete should be selected to compete in the tournament. (Section 1.2.1). Section 2.2 provides that the Selection Committee “may use discretionary selection criteria” that are listed “in no particular order” to select athletes to compete in the Pan American Olympic Qualification Tournament “based on a variety of factors to ensure that the athletes are selected based on a current body of work where they must perform consistently, rather than selection based only on one competition.” Section 2.1 states that the rationale for considering discretionary criteria is to “attempt to qualify as many weight categories as possible with a top-2 result within the Pan American region for the 2020 Olympics” (i.e., one U.S. athlete in each of two men’s Olympic weight classes).

On of the listed discretionary factors is “[t]he level of competitiveness in the Pan American region for a specific weight category and the USA’s chances of qualifying that weight category based on athlete evaluations,” which the Selection Committee considered in deciding to enter either Mr. Rahimi or Mr. Ishida in the -80kg weight category.

Consistent with the objective of identifying the U.S. athlete most likely to place first or second in the -80kg weight category in the Pan American Olympic Qualification Tournament, the first listed discretionary criterion in Section 2.2 states that “[e]ach athlete will be evaluated on their results” during numerous WT sanctioned international, regional, and national events listed in sections 1.2.1 and 1.2.2. Section 2.2 expressly provides: “USATKD believes that results earned in the Olympic weight categories are indicative of Olympic success, therefore much more weight will be given to Olympic weights for consideration as to which athletes will be nominated for the Pan Am Olympic Qualifying Team.”

Based on the express language of the ASP (which requires evaluation of athletes’ 2019 “performance data and/or results” pursuant to Section 1.3 (c) and their “best performances” under Section 1.2.1 (d)) and permits consideration of discretionary criteria in “attempting to qualify as many weight categories as possible with a top-2 result within the Pan American region for the 2020 Olympics” (Section 2.1), the Arbitrator rejects Mr. Rahimi’s contention that the Selection Committee breached the ASP by engaging in the following comparative evaluation of both athletes’ rankings and competitive performances in the -80kg weight category during 2019.

Based on their collective professional judgment regarding what they considered to be the most important factors in the ASP selection criteria for evaluating athletes to compete in the Pan American Olympic Qualifying Tournament, the Selection Committee focused on the comparative rankings and competitive performances (both qualitative wins and losses) of Mr. Ishida and Mr. Rahimi in the -80kg weight category for 2019. In the WT Olympic Rankings for the -80kg weight category, which is a listed factor to be “used in part” by the committee in its comparative evaluation of both athletes, Mr. Rahimi is ranked #12 and Mr. Ishida is ranked #21. Although Mr. Brown testified that he believes the WT Olympic Rankings are flawed because an athlete’s points earned from competing in both the -74kg and -80kg weight classes are combined to determine his -80kg ranking, he stated that Mr. Rahimi’s WT Olympic Ranking was “given

some weight” by the committee. If only their respective points earned while competing in the -80kg weight class are considered, Mr. Ishida is ranked #22 and Mr. Rahimi is ranked #33 in this Olympic weight category. Although not a specifically listed factor in the ASP, it appears to be an appropriate implicit factor to be considered by the Selection Committee in selecting an athlete to compete in the -80kg weight class. In the U.S. National (Tusah) Ratings, Mr. Ishida is ranked #1 and Mr. Rahimi is ranked #8 in this weight category, which is a listed factor to be “used in part” and was used by the committee in its comparative evaluation. In a January 23, 2020 email to Mr. Rahimi in response to his question “Can you please tell me how the Tusah Ranking was implemented in the decision to select Jaysen [Mr. Ishida] over me?, Ms. Spence stated “As stated in the Olympic selection procedures [ASP]; more consideration was given to the results in the -80kg weight division.”

Considering the caliber and quality of their respective opponents (i.e., “strength and depth of competition” discretionary factor), the Selection Committee determined that Mr. Ishida’s competitive performances in the -80kg weight category during 2019 were relatively better and more consistent than those of Mr. Rahimi. Based on this factor, the committee concluded that Mr. Ishida’s potential performance ceiling and floor in the -80kg weight category while competing in the Pan American Olympic Qualifying Tournament were both likely higher than those projected for Mr. Rahimi, which is an inherently consistent “apples-to-apples” comparison of both athletes’ respective performances in this weight category.

Mr. Rahimi asserts that the Selection Committee breached the ASP by not specifically considering all the listed discretionary factors (e.g., quality and quantity of matches (i.e., whom the athlete beat and whom they lost to); fighting style; projected medal chances in the -80kg weight category during the 2020 Olympic Games; and athletes’ relative physical fitness (i.e., injuries, weight management)). He contends the committee did not consider his 5-1 head-to-head competition results against Mr. Ishida, as required by the quality and quantity of matches factor.

The Selection Committee Minutes as well as the testimony of Mr. Brown and Ms. Spence establish that the committee considered the quality and quantity of their respective matches while competing in the -80 weight category, including their past history against the specific opponents

either of them might fight in the Pan American Olympic Qualification Tournament in this weight class. Although not reflected in the Minutes, Mr. Brown stated that fighting style was considered by the committee and that this factor favored Mr. Ishida's selection because Mr. Rahimi lost at least one match when the referee stopped the fight because his opponent was so far ahead in points (i.e., he was "gapped"); whereas, Mr. Ishida apparently did not have any bad losses.

Neither the Minutes nor any testimony from Mr. Brown or Ms. Spence indicate that the committee considered the projected medal chances of either Mr. Rahimi or Mr. Ishida in the -80kg weight category during the 2020 Olympic Games, their head-to-head competition results, or their relative physical fitness. The Selection Committee's apparent decision not to consider all ASP discretionary factors factually distinguishes this case from *Lui*, in which USA Table Tennis's Pan Am Games athlete selection committee individually considered all six discretionary selection criteria (and properly applied them to both athletes) and the arbitrator confirmed its unanimous discretionary selection of the particular athlete for the men's table tennis team. Here, the ASP lists the discretionary criteria "in no particular order," does not prioritize their respective importance, and does not expressly mandate individualized consideration of each criterion by the Selection Committee.

Assuming (without deciding) that the committee's decision not to consider these three particular discretionary factors (or to not give these factors any significant individual or collective weight) did not strictly comply with the ASP, it does not constitute a material breach of the USATKD's team selection procedures for the Pan American Olympic Qualification Tournament. The Selection Committee's paramount objective was to identify and select the athlete (i.e., Mr. Rahimi or Mr. Ishida) most likely to qualify the U.S. for a spot in the -80kg weight class for the 2020 Olympic Games by placing first or second in this continental qualification tournament. Therefore, because only one of them could be selected to compete against other athletes in this tournament, their past head-to-head competition results is not necessarily a material factor that should have been considered to achieve this objective. The projected respective medal chances of Mr. Rahimi and Mr. Ishida in the -80kg weight category during the 2020 Olympic Games also is not a material factor in determining which of them is most likely to qualify the U.S. for a spot in the Olympic Games. If the U.S. qualifies a spot, the U.S. athlete who will compete in the -80kg weight category during the 2020 Olympic Games will be determined by a fightoff conducted by

USATKD, in which both Mr. Rahimi and Mr. Ishida will have an opportunity to participate. There is no evidence that any consideration of their relative physical fitness would have been a material factor in the Selection Committee's comparative evaluation of whether Mr. Rahimi or Mr. Ishida is more likely to finish first or second in the -80kg weight category in the Pan American Olympic Qualification Tournament.

The facts of this case are distinguishable from *Hyatt and United States Judo, Inc.*, AAA Case No. 01-14-0000-7635 (2014) at 10, in which the arbitrator found that USA Judo materially "breach[ed] its approved and published Athlete Selection Procedures for the 2014 IJF Junior World Championships by granting [the athlete who won this competition] a 30-minute extension of time . . . [to weigh in] . . . outside of the 'official weigh in period' . . . in its rules [which] do not explicitly or implicitly . . . grant tournament directors the authority to exercise subjective discretion regarding when it is appropriate to grant extensions of time to weigh in." Because of this material breach of the team selection rules, the athlete's first place finish was invalidated, and the arbitrator ordered USA Judo to name the second-place athlete as the U.S. team representative in the subject weight class for this competition.

Based on the foregoing analysis supporting his conclusion that the Selection Committee substantially complied with and consistently applied USATKD's ASP in determining Mr. Ishida has the best chance of placing first or second in the -80kg weight category in the Pan American Olympic Qualification Tournament, the Arbitrator rejects Mr. Rahimi's contention that it unfairly interpreted and applied the ASP discretionary criteria:

the problem was created when neither Mr. Rahimi nor Mr. Ishida met the objective, automatic selection criteria. At that point, the 80 kg results were weighted more than the 74 kg results, despite the fact that results in either weight category could have led to automatic qualification ay the -80 kg weight category. In other words, when Mr. Rahimi focused on the -74 kg. weight category for the 2019 World Championships in attempting to meet the objective, automatic selection criteria, he was then severely punished by USATKD's interpretation of its discretionary criteria when he did not automatically qualify. In contrast, when Mr. Ishida focused on the -80 kg. weight category for the 2019 World Championships in attempting to meet the objective, automatic selection criteria, he was then rewarded by USATKD's interpretation of its discretionary criteria when he did not automatically qualify. The fact that both athletes were treated so dramatically different by USATKD's interpretation of its discretionary criteria, despite the fact that

they both correctly interpreted the objective automatic criteria, renders such an interpretation unfair to Mr. Rahimi.

(Attachment A, Statement of Dispute, p. 18).

The Arbitrator concludes that that the Selection Committee consistently, fairly, and rationally applied the ASP team selection factors to both Mr. Rahimi and Mr. Ishida without any bias, which supports its unanimous and reasonable conclusion that Mr. Ishida is the athlete most likely to place first or second in the -80kg weight class for the Pan American Olympic Qualification Tournament. After hearing Mr. Rahimi's testimony, Mr. Brown and Ms. Spence, whose respective positions as a USATKD coach and the director of high performance depend on the success of U.S. athletes in international taekwondo competitions (including qualification tournaments for the Olympic Games) testified they believe the Selection Committee made the correct decision by choosing Mr. Ishida.

Understandably, Mr. Rahimi, who has defeated Mr. Ishida in five of the six taekwondo tournament matches in which they recently competed against each other, is very disappointed he was not chosen by the Selection Committee to compete in the -80kg weight category for this continental qualification tournament. The Arbitrator hopes that its determination that Mr. Ishida has the best chance of placing first or second in this weight category proves correct, which will provide Mr. Rahimi (as well as Mr. Ishida) with the opportunity to represent the U.S. in the -80kg weight category for the 2020 Olympic Games by winning the Olympic Team Fight-Off described in Section 1.2.2 (f) of the ASP.

## DECISION AND AWARD

Based on the foregoing facts and legal analysis, the Arbitrator decides and awards:

I have jurisdiction to resolve the dispute that is the subject of this Section 9 arbitration proceeding.

Mr. Rahimi's procedural due process rights, as he and his counsel acknowledged, were fully and fairly protected in this arbitration proceeding.

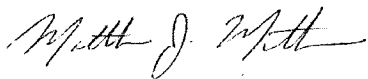
Mr. Rahimi did not prove by a preponderance of evidence that USA Taekwondo, Inc. ("USATKD") materially breached its "Athlete Selection Procedures 2020 Olympic Games June 11, 2019" or that the USATKD Selection Committee members inconsistently, unfairly, or irrationally applied the Athlete Selection Procedures by unanimously and reasonably choosing Mr. Ishida as their discretionary selection to compete in the men's -80kg weight class in the 2020 Pan American Olympic Qualification Tournament.

Mr. Ishida is entitled to be USATDK's discretionary selection to compete in the men's -80kg weight class in the 2020 Pan American Olympic Qualification Tournament.

All of the claims in Mr. Rahimi's Demand for Arbitration and his requested relief are denied.

The Administrative fees of the AAA totaling \$1,000 are to be borne as incurred. The Compensation of the Arbitrator totaling \$2,000 is to be borne as incurred. The parties shall bear their own attorney's fees and/or costs associated with this arbitration.

This Award fully resolves all claims and defenses submitted by the parties in connection with this arbitration proceeding. All claims and defenses not expressly granted herein are denied.



March 4, 2020

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Matthew J. Mitten, Arbitrator