

AMERICAN ARBITRATION ASSOCIATION

In the matter of the arbitration between

R.J. WILSON, JR.

AND

AWARD OF ARIBITRATOR

UNITED STATES AMATEUR BOXING, INC.

Case Number:

I, Jerry-Alan Donley, the undersigned arbitrator having been designated in accordance with the arbitration agreement entered into by the above named parties, and having been duly sworn and having duly heard and fully considered the proofs, allegations and evidence of the parties, hereby FIND and AWARD as follows:

The arbitration hearing was held at 2:00 p.m. on the 20th day of March 2000, at the offices of Kane, Donley & Johnson, P.C., 90 S. Cascade, Suite 830, Colorado Springs, Colorado 80903. In attendance at the hearing were:

Paul Montville, Executive Director, U.S.A. Boxing, Respondent
Barton Enoch, Attorney, representing U.S.A. Boxing
Tim Gallagher, owner, Gallaware, the computer system used by U.S.A. Boxing
Christopher Lundy Campbell, Attorney, representing R.J. Wilson, Jr.
T.J. Wilson, Jr., Claimant
Jerry Alan Donley, Arbitrator
Ron Silvas, Head Official, participated by phone

FINDINGS

The American Arbitration Association has jurisdiction over the parties to hear the evidence and to make this award.

The parties stipulated that the following rules and regulations of the United States Amateur Boxing, Inc. among others applied to this case:

Rule 107.8 (1)(a)(1) which is the definition of a blow that is to be a "scoring blow".

Rule 107.8 defined how the judges were to score a rally/flurry.

Rule 107.10 defined how a bout to be scored should the electronic computerized scoring system fail or not be used.

Rule 107.12 (2)(a) provides that written jury cards which are a back up scoring system to the computerized scoring system are not to be considered and will remain confidential unless the computerized system has failed or malfunctions.

Rule 220.1 sets out the discipline procedure to be followed in the event of a violation of the rules.

As evidence was presented, it became clear that the issue was whether there was an error in the scoring of the bout between Mr. T.J. Edward Wilson, Jr. with Mr. Calvin Brock on the 26th day of February, 2000, of such a nature that the decision of the judges using a computerized scoring system in favor of Mr. Brock should be reversed and if Mr. Wilson should be awarded a position on the U.S. Olympic Team and allowed to participate in a qualifying tournament in Tampa, Florida, on the 27th day of March, 2000.

The errors presented by Mr. Wilson's counsel included:

1. The computer system malfunctioned.
2. The paper scoring system by three judges should be followed.
3. The judges using the computerized scoring system failed to follow the rules of U.S.A. Boxing in determining what were and what were not scoring blows.

The following exhibits were used by the parties:

- Exhibit 1 The computerized scoring print out sheets.
- Exhibit 2 The written score cards used by three judges.
- Exhibit 3 A video replay of the bout.
- Exhibit 4 A letter from the Head of Officials, Raymond Silvas, Jr. to Dick Trindle, Chairman, National Board of Review, U.S.A. Boxing
- Exhibit A1 Copies of technical rules of U.S.A. Boxing supplied by both parties.
- Exhibit A2 Copy of the AIBA Rules supplied by U.S.A. Boxing.

Witnesses providing testimony in this matter included T.J. Wilson, Jr., the boxer; Tim Gallager, the owner of Gallaware, the computerized scoring system used by U.S.A. Boxing;

Raymond Silvas, Chairman, The Official Sub-Committee of U.S.A. Boxing; and Paul Monteville, Executive Director, U.S.A. Boxing. Mr. Silvas testified by phone.

The computer system was designed by the witness, Gallager. The arbitrator finds that it was checked by Mr. Gallager and other representatives of U.S.A. Boxing prior to the bout to assure everyone that it was working properly. No evidence was presented which showed a malfunction or failure of the computerized operating system.

Because the computerized scoring system did function properly, the paper scores of the three judges can not be considered as competent evidence such as to allow the arbitrator to reverse the decision reached by the judges using the computerized scoring system. Evidence was presented by Mr. Wilson through Exhibit 3, the video tape of the bout, to show and to demonstrate that the judges using the computerized scoring system allowed a blow to be scored that pursuant to the scoring rules should not have been a scoring blow. Mr. Wilson's counsel argued that had that blow not been counted as a scoring blow, the decision rendered might have been different.

In order for a blow to be a scoring blow, three of the five computer judges must push a button that represented the scoring boxer within one second of each other indicating each judge had seen a scoring blow.

Exhibit 1, the computerized scoring cards, showed three judges awarding Mr. Brock a point for the blow during the last twenty-eight seconds of the fight. Mr. Wilson's counsel suggested that the blow was not a scoring blow and the judges violated boxing rules in scoring it as a blow. Therefore, the arbitrator should reverse the judges' decision.

In watching the video, reasonable people might disagree about whether the blow in question was a scoring blow. However, the five judges using the computerized scoring system were not watching a video replay and had one second within which to form any opinion about a blow being a scoring blow and to react within that one second by pushing a button representing the boxer scoring that blow. Three of the five judges did within that one second time limit agree the blow was a scoring blow by Mr. Brock and awarded him a point for that blow.

Whether the blow was a scoring blow according to the rules based on the video, can not be the criteria used by the arbitrator in making a decision in this matter. The evidence is clear that three judges saw a "scoring blow" and each reacted within one second. There are some general principles regarding the overturning of an official's judgment in a sporting contest and these opinions are quite uniform:

In the absence of bad faith or corruption, the decisions of judges, empires, or referees in athletic contests will be final and will not be disturbed. *Law of Sports*, 1979, by Wisetart Lowell, Section 215, Page 154.

This rule is restated and confirmed in *Shapiro v. Queens County Jockey Club*, 184 Misc. 295, 53 NYS.2d 135 (1945) stating:

“As in other professional competitive sports such as tennis, baseball, football, basketball, hockey, boxing, and soccer, it has been found of great practical importance to have umpires, referees, timekeepers, and other officials in said sports who are experienced, mentally alert, fair, and otherwise well qualified to make immediate decisions and whose decisions must be final and binding. In more than one sense, such officials are truly judges of the facts, since they are closer to the actual situation and characters involved, at the time, and as and when, and under the circumstances in which those events occurred. Surely their immediate reactions and decisions of questions which arose during the conduct of the sport should receive greater credence and consideration than possibility the remote, subsequent, matter of fact observation by a court in litigation subsequently instigated by a disgruntled loser of a wager.”

In *Tilelli v. Christenberry*, 1 Misc. 2d 139, 120 NYS. 2d 697 (1953), that rule was reaffirmed and the New York Courts refused to let the New York State Athletic Commission reverse a referee's and a judge's split decision even though the commission had suspicion that a judge who voted for the winning boxer was involved in a betting scheme.

Close boxing matches will quite frequently led to disputes and observers may frequently question whether the judge's decision is correct. The evidence in this case does not rise to a level to allow an arbitrator substitute its judgment for those who oversaw the scoring of the contest.

The arbitrator finds that the rule expressed above is valid and appropriate, and is the basis for the arbitrator's decision in this matter.

Mr. Wilson, through his counsel, raised a question as to the appropriate manner of scoring rallies/flurries and how points were to be awarded as a result of a rally/flurry. Again, scoring rallies and scoring blows during the rally/flurry requires three judges to make a determination that there was a scoring blow or a winner of a rally/flurry within one second of each other. Evidence which was introduced was insufficient to prove any inconsistency of the computerized scoring judges in the bout in question that would justify reversing the decision.

AWARD

Therefore, based on the above findings, the claim of T.J. Wilson, Jr. is denied.

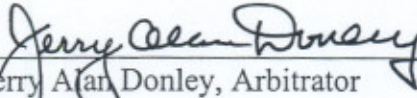
The fees and expenses of the American Arbitration Association shall be borne equally.

The fees and expenses of the arbitrator totaling \$840.00 shall be borne equally.

All claims not expressly granted in this arbitration are hereby denied.

This award is in full settlement of all claims presented to this arbitrator.

Respectfully submitted,


Jerry Alan Donley, Arbitrator