

IMPORTANT NOTE: *This version is a translation of the original French version*

**SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)
CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)**

April 14, 2022

N°: SDRCC 22-0561

**JEAN-PATRICK MILLETTE
(CLAIMANT)**

AND

**WEIGHTLIFTING CANADA HALTÉROPHILIE (WCH)
(RESPONDENT)**

AND

**YVAN DARSIGNY
CLANCE LAYLOR
DALAS SANTAVY
(AFFECTED PARTIES)**

DECISION ON JURISDICTION

Having considered the positions of the Parties, as well as the exchanges between representatives, here are my observations and my decision:

1. A decision on the composition of the Team Canada coaching staff for the 2022 Commonwealth Games was made by Weightlifting Canada Haltérophilie (WCH) on March 15, 2022.
2. A decision not to forward the documents related to this selection was communicated to Mr. Millette on March 22, 2022.
3. The WCH Appeals Policy, effective August 1, 2021, dictates the steps to be taken in order to initiate an internal appeal.
4. Knowing that the time frame for appointing a Case Manager and deciding on the admissibility of the internal appeal is very short (3 days), WCH suggested the name of a Case Manager to Mr. Millette, in the interest of efficient decision-making once the internal appeal is completed.
5. Section 7 of the Policy details the requirements of the internal appeal.

6. Based on the exchange of communications between Mr. Millette's representative and the WCH representative, the only condition for an internal appeal that was not met by the Appellant is the payment of the \$150 administrative fee.
7. However, it does not appear that WCH intended to oppose this formality to Mr. Millette since on March 29, 2022, his representative wrote "*WCH is currently in the process of appointing a Case Manager to manage and administer **the appeal filed by Mr. Millette** [sic] in accordance with its internal appeal policy.*" (emphasis added)
8. It is clear to me that the Federation considers Mr. Millette's appeal to be admissible and received, since as of March 29, it had initiated the process of appointing a Case Manager. While the evidence does not reveal that the \$150 fee was paid, it is not unusual for a national sport organization to agree to hear an internal appeal in the absence of payment of the fee, or by agreeing to defer payment.
9. With the Federation's internal appeal having been accepted, the question I must now address on the jurisdictional issue is whether the Federation's two decisions are subject to my jurisdiction: first, the refusal to provide the requested documents, and second, the requirement to assign a Case Manager who will rule on the admissibility of the request, within 3 days.
10. WCH's Appeals Policy is clear on its response obligations in Section 13: the Case Manager shall, within three (3) days of receipt of the notice of appeal, determine whether the appeal is admissible.
11. These time limits are mandatory. Since WCH could have denied the appeal if Mr. Millette had filed a request for appeal on day 15, it cannot avoid its obligation, contained in its own regulations, to appoint a Case Manager and have the admissibility of the internal appeal determined within 3 days.
12. WCH denies that it sought to consult with Mr. Millette regarding the appointment of the proposed Case Manager: yet Section 12 of the Policy is clear: "*Upon receiving the notice of the Appeal, and all other information outlined in Section 7 above, WCH shall appoint a Case Manager to manage and administer Appeals filed in accordance with this Policy and such appointment is not appealable.*" Hereby, it is not a matter of consulting with anyone.
13. As noted above, the evidence does not show that the fees were paid. However, WCH's conduct in not claiming these costs is not unusual in general terms.
14. WCH had jurisdiction and should have appointed the Case Manager according to its regulations.
15. Because WCH failed to follow its internal procedure, I equate this inaction with a decision to deny the internal appeal request.

Also, the scope of section 5 of the Appeals Policy covers *selection* decisions, which appears to be at the heart of the dispute in this case.

WCH's decision not to initiate the internal appeal procedures within the time limit is deemed to be a refusal to act, and the decision regarding the selection of coaches is therefore subject to review. Consequently, the SDRCC has jurisdiction to hear Mr. Millette's appeal.

I invite the Parties to coordinate the preliminary arbitration process with the SDRCC Registry, so that I may consider the merits.

As for the request for an order for documents, I may issue the necessary orders, upon request, during the arbitration proceedings if necessary.

Patrice Brunet, Arbitrator