



Introduction

- Claimant:** Marnie Peters
- Respondents:** Canadian Wheelchair Basketball Assn.,
Tim Frick & Wendy Gittens
- Affected Parties:** Joanne Kelly, M.J. Boudreault, Karla Tritten,
Shira Golden, Arley McNeney
- Type of Dispute:** Selection to Paralympic Games
- Arbitrator:** Stewart McInnes
- Date of Decision:** June 23rd, 2004



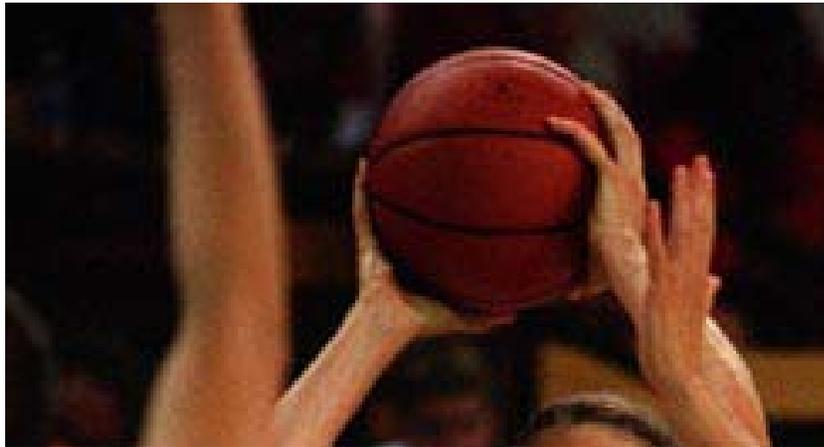
Dispute Summary

Marnie Peters appealed a decision by the Canadian Wheelchair Basketball Association (CWBA) not to include her on the Canadian team competing at the 2004 Paralympic Games in Athens.





Background Facts



Players hoping to be selected for Canada's Women's Wheelchair Basketball Team for the 2004 Paralympics participated in a selection camp in May, 2004.

The selection criteria were circulated to all participants before the try-out camp and were similar to those used by CWBA to select national teams over the previous three years.



Claimant's Position

Marnie Peters' case was based on the following arguments:

- That other athletes were given greater opportunity to showcase their skills;
- That there was bias on the part of the Selection Committee;
- That her position was endorsed by four team members who wrote strong letters of support; and,
- That the final decision not to select her was grossly unreasonable.





Respondent's Position



The CWBA's case was based on the following arguments:

- That Ms. Peters was given a reasonable opportunity to showcase her abilities; and,
- That the final selections were based on the approved policy and the combined assessments of four qualified coaches.



Arbitrator's Analysis

Arbitrator, Stewart McInnes, disagreed with Ms. Peters' assertion that the final selections were biased.

Moreover, he concluded there was sufficient evidence to support the final decision of the Selection Committee.

In his ruling, Mr. McInnes emphasized that he did not have the legal authority to substitute his discretion for that of the coaches who made up the Selection Committee.





Ruling

The appeal was dismissed.



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ADRsportRED judgment.



Lessons Learned

1. When there is a discretionary component to the selection process, the arbitrator must determine if it was used fairly and without bias or bad faith; and,
2. Such a decision is not arbitrary, even if another decision could have been rendered by another authorized individual.

