



Strasser v. Equine Canada

Introduction

Claimant: Evi Strasser

Respondent: Equine Canada

Type of Dispute: Team Selection

Arbitrator: Kathleen J. Kelly

Date of Decision: October 20th, 2008



Strasser v. Equine Canada

Dispute Summary

Evi Strasser, a member of Canada's National Equestrian Team, was not selected for the 2008 Olympic Summer Games. She appealed Equine Canada's decision to the Sport Dispute Resolution Centre of Canada (SDRCC).



Background Facts

Evi Strasser is a well-known and experienced dressage competitor and a member of the Canadian National Team since 1994. She competed at the 1996 Olympic Summer Games and was named as an alternate for the Canadian Olympic Team in 2004.

Ms. Strasser was an athlete representative in 2007 when Dressage Canada developed criteria for selection to the 2008 Olympics.

In early June 2008, the top four rider/horse combinations were selected to represent Canada at the Beijing Games. The first three were the “Named Combinations” and the fourth designated as the “Reserve Combination”.

Ms. Strasser and her horse “QT”, ranked fifth, were designated as the “Potential Reserve Combination.”

On June 25th, 2008, Equine Canada invited Ms. Strasser to participate in a conference call to confirm planning and preparation for the upcoming Olympics. The meeting agenda was included as an attachment to the email invitation. Ms. Strasser did receive the email, but was unable to participate, and did not read the agenda.



Strasser v. Equine Canada

Background Facts

On June 30th, she was advised that the fourth-ranked horse/rider combination had withdrawn, making her and QT the “Reserve Combination.” Ms. Strasser was also advised that she would be required to participate fully with the Named Combinations in meeting all of the quarantine requirements prior to departure for the Games.

One of the selection criteria was an inspection by the Team Veterinarian “for health, fitness and soundness” prior to the horse entering quarantine. On July 13th, the Team Vet determined QT was suffering from lameness in his left hind leg, which worsened through the examination. The vet concluded that the horse was not fit to compete.

Ms. Strasser declined the option of having the Vet re-test her horse the following day.

On July 15th, Equine Canada advised Ms. Strasser that she and QT would not be nominated to the Canadian Olympic Committee as the Reserve Combination.

The following day, she appealed the decision to the SDRCC for arbitration.

Claimant's Position

Evi Strasser's case was based on the following arguments:

- She did not seriously consider QT a contender for the Olympics; consequently, he was not entered in any competitions following qualifications at the beginning of June;
- QT was ridden by the team coach the day before the Vet testing and there were no indications of health problems;
- The fitness testing was different than any other she had witnessed during 15 years of competing and, unlike the case for the other riders, there had been no advance notification of what the test would entail; and,
- The Team Vet had conducted an improper test; moreover, QT's vet conducted his own examination the following day and found the horse to be fit to compete.

Respondent's Position

Equine Canada's case was based on the following arguments:

- Ms. Strasser was aware of the requirement for the Vet Check, which was conducted the same way for all four horses;
- She was uncooperative when trying to schedule the fitness testing for QT and refused to put her horse through certain movements when all the other riders were fully cooperative;
- She refused the opportunity to have her horse re-evaluated the following day;
- There was no credible third-party evidence to support the contention that QT was fit to compete; and,
- Ms. Strasser simply did not have her horse properly prepared for the Vet Check.



Strasser v. Equine Canada

Arbitrator's Analysis

Arbitrator, Kathleen Kelly, noted in her ruling that, as a National Team member since 1994 and a former Olympian, Ms. Strasser had a reasonable (if not advanced) level of familiarity and knowledge of the team selection process, the criteria for team selection, and the fitness inspection protocol for horses.

The arbitrator further concluded that Ms. Strasser's allegations of unfair treatment were simply not supported by the evidence.

Ms. Kelly wrote that the athlete had been distracted during the period in question:

"Instead of preparing her horse and herself for the Olympics, during the timeframe from late June to mid July, the Claimant was very active with her daughter's riding career creating an understandable conflict of commitment."

Ultimately, the arbitrator concluded that it was difficult to accept that Ms. Strasser took her obligations as a Reserve Rider seriously.



Strasser v. Equine Canada

Ruling



Ms. Kelly denied the athlete's appeal, effectively confirming the original decision not to nominate Evi Strasser and QT to the 2008 Canadian Olympic Team.

In response to Equine Canada's request for costs, the arbitrator noted that Ms. Strasser's legal counsel had been highly uncooperative:

"[Her] Counsel made a serious effort to not only malign [Equine Canada's] Counsel, by accusing him of trying to mislead the Tribunal, she attempted to reargue her case and in addition attempted to introduce new evidence."

Ms. Kelly described the appeal as "entirely without merit" and ordered Ms. Strasser to pay Equine Canada \$2,844.88 to cover legal costs and telephone charges.

Lessons Learned

1. Athletes have a responsibility to take all measures necessary to ensure that they are aware and respectful of the selection policies and procedures published by their NSO, including reading the written communications carefully and attending meetings where information is to be provided.
2. When making a determination on costs, the arbitrator will take into account the conduct of the parties during the arbitration process, such as making inflammatory accusations that are not supported by the evidence.

